United States Court of Appeals

for the Second Circuit

APPELLANT'S APPENDIX

76-1253

76-1258

B
Pgs

IN THE

United States Court of Appeals

FOR THE SECOND CIRCUIT

UNITED STATES OF AMERICA,

Appellee,

—against—

FRED STEINBERG and DENNIS RIESE,

Defendants-Appellants.

ON APPEAL FROM A JUDGMENT OF THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK

APPENDIX FOR DEFENDANT-APPELLANT DENNIS RIESE

SHEA GOULD CLIMENKO & CASEY
Attorneys for Defendant-Appellant Dennis Riese
330 Madison Avenue
New York, New York 10017
(212) 661-3200

UNITED STATES COURT OF APPEALS
FILED
SEP 15 1976
A. DANIEL FUSARO, CLERK
SECOND CIRCUIT

PAGINATION AS IN ORIGINAL COPY

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Felony / Misdemeanor — JUDGE / MAGISTRATE: Assigned Trial 0342 — Disp (Sentence) — U.S. vs. RIESE, DENNIS — defendant — Docket No. 0128

CASE NUMBER	OFFENSE	COUNTS
18:371	Consp. to commit bribery.	1
18:201	Bribery of Govt. official.	2-7

ATTORNEYS
Audrey Strauss
(212) 791-1937

FRANKLIN B. VELIE
299 PARK AVE, N.Y.C. NY 486-1550

Bail Not Made / Bail Status Continued (See Docket)

ARR.	DEPT. IX	PROCEEDINGS	TRIAL	SENT.
Bail on A	2-4-76	02-09-76	Set for 03-22-76	Dispos. Date
		02-09-76	Trial Began 03-22-76	Consented / Acquitted / Dismissed
			Concluded 03-31-76	

		DATE	INITIAL/No.
Search Warrant	Issued		
	Return		
Summons	Issued		
	Served		
Arrest Warrant			
COMPLAINT ▷			
OFFENSE (In Complaint)			

INITIAL APPEARANCE — INITIAL/No.

PRELIMINARY EXAMINATION OR REMOVAL HEARING — Date Scheduled — Date Held — Waived / Not Waived — Intervening Indictment

Tape No. — INITIAL/No.

OUTCOME

Dismissed / Held for District GJ / BOND (Exonerated / To Transf. District) / Held to Answer to U.S. District Court

AT:

Magistrate's Initials ▷

* Show last names and suffix numbers of other defendants on same indictment/information
Steinberg-1

BEST COPY AVAILABLE

DATE	PROCEEDINGS	V. Excludable Delay (a) (b) (c)
2-4-76	Filed indictment.	
2-9-76	Deft. present (Atty. present) pleads not guilty. 10 days for motions. Case assigned to Wyatt, J. for all purposes. Motley, J.	
2-10-76	Filed Notice of Appearance by Franklin B. Velie.	
2-11-76	Filed Pltf's Notice of readiness for trial.	
2-10-76	Pre Trial Conf held. Trial March 22, 1976. Wyatt, J.	
2-23-76	Filed defts affidavit & Notice of Motion for an order, to produce for defts inspection, copying and photographing any and all purported confessions, etc, as indicated motion returnable before Wyatt, J. on 3-5-76.	
2-25-76	Filed defts Affidavit & Notice of Motion requiring the government to serve and file a Bill of Particulars, etc, as indicated motion returnable before Wyatt, J. at time and place to be fixed by the Court.	
2-26-76	Filed defts Memorandum in support of pre trial motions.	
3-4-76	Filed Dfts. Riese's Supplemental Memorandum in support of pretrial motions.	
3-5-76	Filed Gov'ts Notice of Motion for an order requiring dfts. to produce for discovery & inspection all materials.	

	IV. PROCEEDINGS (continued)	V. EXCLUDABLE DELAY (a)	(b)	(c)	(d)
	[illegible] Bill of particulars & [illegible]				
	Def Gov'ts Response to [illegible] for a Bill of Particulars.				
	Filed Memo. End on motion dtd. 2-24-76, Motion for a Bill of Particulars is granted on [illegible] each thing of value, etc.,19(a)& (b) 14,27(a) & 30(c). The motion is denied in all other respects.....Wyatt J.(mailed notice)				
2-76	Filed Memo. End. on motion dtd. 2-23-76. The motion for a bill of particulars is granted as to items [illegible] 2,9(a)"(b) & 11 as to the "place at which the conversation occurred. The motion is denied in all other respects..Wyatt (mailed notice)				
2-76	Filed Memo. End on Gov'ts. motion dtd. 3-3-76. Motion granted as to scientific tests which the defts. intend to introduce at trial, otherwise denied.....Wyatt J (mailed notice)				
17-76	Filed Gov'ts. Bill of Particulars.				
0-76	Filed Gov'ts. Request to Charge.				
0-76	Filed Gov'ts. Amended Bill of Particulars				
0-76	Filed Defts. Riese's Request to Charge.				
0-76	Filed Defts. Proposed Examination on the Voir Dire.				
2-76	Trial begun as to both defts.(Atty's. Present) with a jury.				
3-76	Trial Cont'd.				
4-76	Trial Cont'd.				
5-76	Trial Cont'd.				
6-76	Trial Cont'd.				
9-76	Trial Cont'd.				
0-76	Trial Cont'd.				
1-76	Trial Cont'd Courts charge. Jury finds both defts Guilty on each of Counts 1 thru 7. Dft. Riese Sentence May 14,1976. Pre Sentence investigation ordered on both defts. Bail cont'd as to both defts.....Wyatt J.				
7-76	Filed Dfts. Notice of Motion for order setting aside verdict, & granting new trial. Ret. 5/14/76.				
2-76	Filed Memorandum of Dft. Riese in support of motion for a Judgment of Acquittal on all counts or for a new trial.				
9-76	Filed transcript of record of proceedings, dated 3-22,23,24,25,26,1976.				
1-76	Filed transcript of record of proceedings, dated 3-5-76				
3-76	Filed transcript of record of proceedings, dated 3-29,30,1976 & 4-1-76.				
1-76	Filed transcript of record of proceedings, dated 2-10-76.				
	(Cont'd)	(a) Interval	(b) Start Date	(c) Elapsed Days	

Felony ☒ Misdemeanor ☐ Petty ☐ JUDGE / MAGISTRATE Assigned Trial Disp./Sentence 0342

0208 District | 1 Office

U.S. vs. STEINBERG, FRED defendant

04 | 02 | 76 | 0126 — No. of Counts: 02

ARGES	SECTION OF STATUTES	OFFENSES	COUNTS	FINAL DISPOSITION CASE NO.
	18:371	Consp. to commit bribery.	1	
	18:201	Bribery of Govt. official.	2-7	

YS Audrey Strauss (212) 791-1937

Bail: Set ($20) — Bail Not Made — Bail Status Continued (See Docket) — 10% Deposit — Surety — Cash — PSA

ARRAIGNMENT — Date 2-4-76

TRIAL — Ready for 02-09-76 — Trial Began 02-09-76 — Trial Ended 03-21-76 — Verdict: Guilty

		DATE	INITIAL/No.
Search Warrant	Issued		
	Return		
Summons	Issued		
	Served		
Arrest Warrant			
COMPLAINT ▷			
OFFENSE (In Complaint)			

INITIAL APPEARANCE — INITIAL/No.

PRELIMINARY EXAMINATION OR REMOVAL HEARING — Date Scheduled — Date Held

☐ Waived ☐ Not Waived ☐ Intervening Indictment

Tape No. — INITIAL/No.

OUTCOME

☐ Dismissed ☐ Held for District GJ ☐ Held to Answer to U. S. District Court

BOND ☐ Exonerated ☐ To Transfer District

AT:

Magistrate's Initials ▷

* Show last names and suffix numbers of other defendants on same indictment/information

Riese-2.

DATE	PROCEEDINGS	V. Excludable Delay (a)	(b)	(c)
2-4-76	Filed indictment.			
2-9-76	Deft. present (Atty. present) pleads not guilty. 10 days for motions. Case assigned to Wyatt,J. for all purposes. Motley,J.			
2-10-76	Filed pltffs Notice of Readiness for trial.			
2-10-76	Pre Trial Conf. held. Trial ~~ard~~ 22, 1976. Wyatt, J.			
2-23-76	Filed defts Affidavit & Motion for Bill of Particulars for an order, to produce for defts inspection, copying and photographing any and all purported confessions, etc. as indicated orally before Wyatt, J. on 3-5-76.			
2-24-76	Filed Stip & Order that dfts. time to file written motions is extended to 2-23-76 & Gov'ts. time to reply is extended by an equal number of days: to wit; five.....Wyatt J.			
3-5-76	Filed Gov'ts. Notice of Motion for an order requiring dfts. to produce for discovery & inspection all materials.			
3-5-76	Filed Gov'ts. affidvt. in opposition to motions for discovery, bill of particulars & Suppression of evidence.			
3-5-76	Filed Gov'ts Memorandum in response to dfts. motion for Discovery & for a Bill of Particulars.			

DATE	Page 22 IV. PROCEEDINGS (Continued) Judge Wyatt	V. EXHIBITS (a)	(b)
[illegible]	Filed Mem. End. on motion dtd.2-24-76. Motion for a bill of particulars is granted on counts 1 to 1tem 3 & 6(names only);the motion m is granted as to items 9(d) 1.t.d. to setting forth each thing of value,etc.,10(c) & (b) 13,27(c) & 30(c). The motion is denied in all other respects. Wyatt J. (mailed notice)		
[illegible]	Filed Mem. End. on motion dtd.2-27-76 The motion for a bill of particulars is granted as to items of the counts numbered 2,9(c)9(b) & 17 as to the "place at which the conversation occurred. The motion is denied in all other respects. Wyatt J. (mailed notice)		
[illegible]-76	Filed Mem. End. on Gov'ts. motion dtd. 3-5-76. Motion granted as to scientific tests which the dfts. intend to introduce at trial,otherwise denied.....Wyatt J. (mailed notice)		
3-17-76	Filed Gov'ts. Bill of Particulars.		
3-22-76	Filed Gov'ts. Request to Charge		
3-19-76	Filed Gov'ts. Amended Bill of Particulars.		
3-29-76	Filed Defts. Requests to charge.		
3-19-76	Filed Defts. Steinberg's requests for the Voir Dire.		
03-22-76	Trial begun as to both defts. (Attys. Present) with a jury.		
03-23-76	Trial Cont'd.		
03-24-76	Trial Cont'd.		
3-25-76	Trial Cont'd.		
03-26-76	Trial Cont'd.		
03-29-76	Trial Cont'd.		
03-30-76	Trial Cont'd		
03-31-76	Trial Cont'd. Courts charge. Jury finds both dfts. Guilty on each of Counts 1 thru 7. Dft. Steinberg Sentence April 14,1976. Pre Sentence investigation ordered on both dfts. Bail cont'd as to both dfts.....Wyatt J.		
5-10-76	Filed Dfts. Notice of Motion for an order setting verdict aside & granting new trial.		
05-12-76	Filed Daft's. memorandum of law in support motion to set aside the verdict and for a directed verdict of acquittal		
5-19-76	Filed transcript of record of proceedings dated 3-22,23,24,25,26,1976.		
5-19-76	Filed transcript of record of proceedings dated 3-5-76		
5-19-76	Filed transcript of record of proceedings dated 3-29,30-76 & 4-1-76.		
5-19-76	Filed transcript of record of proceedings dated 2-10-76.		
5-17-76	Filed Mem. End. on motion dtd. 5-10-76.Motion denied.....Wyatt J. (mailed notice)		
5-17-76	Filed memo End. on motion dtd. 5-6-76 Motion Denied Wyatt J.		
5-20-76	Filed pre sentence Memo of Dft. Dennis Rice		

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(a) Interval (see instruction II) (b) Start Date End Date

5a DOCKET ENTRIES

JUDGE/MAGISTRATE: Assigned Trial 0842 Disp./Sentence
District 0203 Office 1
U.S. vs. STEINBERG, FRED defendant
Day 04 Mo. 01 76 0123 01
No. of Defs. 02

MISC. SECTION	OFFENSES	COUNTS
18:371	Consp. to commit bribery.	1
18:201	Bribery of Govt. official.	2-7

Attorneys for Govt.: Audrey Strauss (212) 791-1937
Defense: CJA, Retained, Public Defender, Self, None, Other: Joyce Barlow, 233 Bway, NYC Tel. 233 0370

ARREST: U.S. Custody or Bail on Above Charges; Prosecution Deferred
INDICTMENT: High Risk Defn. ; Date Charged; Information 2-4-76; Waived; Superseding Indict/Info
ARRAIGNMENT: 02-09-76 1st Plea; 02-09-76 Final Plea
Trial Set For 03-22-76; Not Guilty; Nolo; Guilty; Not Guilty; Nolo; Guilty
TRIAL: Voir Dire; Trial Began 03-22-76; Trial Ended 03-31-76
DISPOSITION: Disposition 3-31-76; Convicted; Acquitted; Dismissed; Nolle Entered; Dismissed; Other

		DATE	INITIAL/No.
Search Warrant	Issued		
	Return		
Summons	Issued		
	Served		
Arrest Warrant			
COMPLAINT			
OFFENSE (in Complaint)			

INITIAL APPEARANCE — INITIAL/No.
PRELIMINARY EXAMINATION OR REMOVAL HEARING — Date Scheduled; Date Held; Waived; Not Waived; Intervening Indictment
Tape No. — INITIAL/No.

OUTCOME: Dismissed; Held for District GJ; BOND: Exonerated; To Transferee District; Held to Answer to U.S. District Court
AT:
Magistrate's Initials

Show last names and suffix numbers of other defendants on same indictment/information

DATE	PROCEEDINGS	V. Excludable Delay (a)	(b)	(c)	(d)
2-4-76	Filed indictment.				
2-9-76	Deft. present (Atty. present) pleads not guilty. 10 days for motions. Case assigned to Wyatt, J. for all purposes. Motley, J.				
2-10-76	Filed pltffs Notice of Readiness for trial.				
2-20-76	Pre Trial Conf. held. Trial set March 22, 1976. Wyatt, J.				
2-23-76	Filed defts Affidavit & Notice of Motion for an order , to produce to defts inspection , copying and photographing any and all purported confessions, etc, as indicated rtbel before Wyatt, J. on 3-5-76.				
2-24-76	Filed Stip & Order that dfts. time to file written motions is extended to 2-23-76 & Gov'ts. time to reply is extended by an equal number of days: to wit; five.....Wyatt J.				
3-5-76	Filed Gov'ts. Notice of Motion for an order requiring dfts. to produce for discovery & inspection all materials.				
3-5-76	Filed Gov'ts. affidvt. in opposition to motions for discovery, bill of particulars & Suppression of evidence.				
3-5-76	Filed Gov'ts Memorandum in response to dfts. motion for Discovery & for a Bill of Particulars.				

U.S. v. [illegible]

DATE	Page #2 IV. PROCEEDINGS (continued)	V. EXHIBITS	FEES
[illegible]-76	Filed Memo. End. on motion dtd. 2-23-76. [illegible] of particulars is granted [illegible] only); the motion is granted as to [illegible] such thing of value, etc., [illegible] [illegible] matter in all [illegible]		
03-04-76	Filed Memo. End. on motion dtd. 2-23-76. The motion for a bill of particulars is granted as to items of the demand numbered 2,2(a)9(b) & 17 as to the "place at which the conversation occured. The motion is denied in all other respects.....Wyatt J. (mailed notice)		
[illegible]-76	Filed Memo. End. on Gov'ts. motion dtd. 3-5-76. Motion granted as to scientific tests which the dfts. intend to introduce at trial, otherwise denied.....Wyatt J. (mailed notice)		
[illegible]-17-76	Filed Gov'ts. Bill of Particulars.		
03-19-76	Filed Gov'ts. Request to Charge		
03-19-76	Filed Gov'ts. Amended Bill of Particulars.		
03-19-76	Filed Defts. Requests to charge.		
03-19-76	Filed Defts. Steinberg's requests for the Voir Dire.		
03-22-76	Trial begun as to both defts. (Attys. Present) with a jury.		
03-23-76	Trial Cont'd.		
03-24-76	Trial Cont'd.		
03-25-76	Trial Cont'd.		
03-26-76	Trial Cont'd.		
03-29-76	Trial Cont'd.		
03-30-76	Trial Cont'd		
03-31-76	Trial Cont'd. Courts charge. Jruy finds both dfts. Guilty on each of Counts 1 thru 7. Dft. Steinberg Sentence April 15,1976, Pre Sentence investigation ordered on both dfts. Bail cont'd as to both dfts.....Wyatt J.		
04-09-76	Filed Dfts. Notice of Motion for an order setting verdict aside & granting new trial.		
04-12-76	Filed Deft's. memorandum of law in support motion to set aside the verdict and for a directed verdict of acquittal.		
[illegible]-[illegible]-75	Filed transcript of record of proceedings dated 3-22-23,24,25,26,1976.		
[illegible]-[illegible]-76	Filed transcript of record of proceedings dated 3-5-76.		
[illegible]-[illegible]-76	Filed transcript of record of proceedings dated 3-29,30-76 & 4-1-76.		
[illegible]-[illegible]-76	Filed transcript of record of proceedings dated 2-19-76.		
[illegible]-[illegible]-76	Filed Memo. End. on motion dtd. 5-10-76. Motion denied.....Wyatt J. (mailed notice)		

(Cont'd)

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7a DOCKET ENTRIES

Cr. 128 Dennis Riese

DATE	PROCEEDINGS
5-17-76	Filed Memo. End. on motion dtd. 5-6-76. Motion denied....Wyatt J.
[illegible]	Filed Pre-Sentence Memorandum of Dft. Donald Steinberg.
5-21-76	Filed Judgment & Commitment (Atty. Milton S. Gould Present) The Dft. is hereby committed to the custody of the Atty. Gen. or his authorized representative for imprisonment for a period of the Court finds that the dft. has not attained his 26th birthday at the time of conviction, and is suitable for handling under the Federal Youth Corrections Act, Title 18 U.S.Code Section 5005 & following sections & does not now need commitment. The dft. is sentenced as a Young Adult Offender pur. to 5010(a) of Title 18, U.S.Code, as enbodied by 4209 of Title 18, U.S.Code. Imposition of sentence is suspended on each of counts 1 thru 7. ---------- The Dft. is placed on probation for a period of THREE(3) YEARS, subject to the standing probation order of this court.....Wyatt J. Issued Copies 5-25-76.
05-26-76	Filed letter from Barlow Katz & Barlow dtd. 4/6/76 to Judge Wyatt. Re; request sentence date be adjourned & motion be adjourned.
05-26-76	Filed Letter from U.S.Dept. of Justice, SDNY to Judge Wyatt. Re: reference to sentencing of dfts..
05-26-76	Filed letter from Barlow Katz & Barlow, dtd. 5/20/76 to Judge Wyatt. Re: Pre-Sentence Memorandum, as to dft. Steinberg.
05-26-76	Filed letter from Shea Gould Climenko Kramer & Casey dtd. 4/6/76 to Judge Wyatt. Re: Steinberg's request to reserve decison of motions & review & hear the post trial motions of Dennis Riese.
05-26-76	Filed letter from Shea Gould Climenko Kramer & Casey dtd. 4/29/76 to Judge Wyatt. Re: motion for dft. Riese for a new trial.
5-28-76	Filed Dfts. Notice of Appeal from Judgment dtd. 5/21/76. (mailed notice)
06-6-76	FILED TRANSCRIPT OF RECORD OF PROCEEDINGS-DATED MAY 21, 1976.
06-14-76	Filed stipulation designating exhibits for the record on appeal.
06-28-76	Filed Notice or Certification of Supplemental Record to USCA.
6-29-76	Filed transcript dated 5-14-76
6-29-76	Filed transcript dated 3-22-76
6-30-76	Filed Notice of Certification of Supplemental Record to k the USCA.

JUDGE / MAGISTRATE: Assigned Trial 0342 Disp./Sentence

U.S. vs. RIESE, DENNIS

18:371	Consp. to commit bribery.	1
2:201	Bribery of public official.	2

U.S. Attorney or Asst.: Audrey Strauss (212) 791-1937

Defendant: FRANKLIN B. VELIE, 299 PARK AVE, N.Y.C. NY 486-1590

ARREST: High Risk Defn. & Date Design'd; Prosecution Deferred

INDICTMENT: Information 2-4-76; Waived; Superseding Indict/Info

ARRAIGNMENT: 02-09-76; 1st Plea 02-09-76; Final Plea

TRIAL: Trial Set For 03-22-75; Not Guilty / Nolo / Guilty; Not Guilty / Nolo / Guilty; Voir Dire; Trial Began 03-22-76; Trial Ended 03-31-76

DISPOSITION: Disposition; Convicted / Acquitted / Dismissed / Deft. Discharged; SENTENCE 5-21-76; On All Cha... / On Lesser Offense(s); YCP; ...

		DATE	INITIAL/No.
Search Warrant	Issued		
	Return		
Summons	Issued		
	Served		
Arrest Warrant			
COMPLAINT			
OFFENSE (Complaint)			

INITIAL APPEARANCE — INITIAL/No.

PRELIMINARY EXAMINATION OR REMOVAL HEARING: Date Scheduled; Date Held; Waived / Not Waived; Intervening Indictment

Tape No. — INITIAL/No.

OUTCOME: Dismissed; Held for District GJ; BOND: Exonerated / To Transfer District; Held to Answer to U. S. District Court

AT:

Magistrate's Initials

Show other names and suffix numbers of other defendants on same indictment/information

Steinberg-1

V. Excludable Delay (a) (b) (c)

DATE	PROCEEDINGS
2-4-76	Filed indictment.
2-9-76	Deft. present (Atty. present) pleads not guilty. 10 days for motions. Case assigned to Wyatt,J. for all purposes.
[illegible]	Filed Notice of Appearance by Franklin B. Velie. Motley,J.
[illegible]	Filed Pltffs Notice of readiness for trial.
[illegible]	Pre Trial Conf held. Trial March 22, 1976. Wyatt, J.
[illegible]	Filed defts Affidavit & Notice of Motion for an order, to produce f... defts inspection, copying and photographing any and all purported con... fessions, etc, as indicated rtble before Wyatt, J. on 3-5-76.
[illegible]	Filed defts Affidavit & Notice of Motion requiring the government t... serve and file a Bill of Particulars, etc, as indicated rtble before ...att, J. at time and place to be fixed by the Court.
[illegible]	Filed defts Riese's memorandum in support of pre trial motions.
[illegible]	Filed Dfts. Riese's Supplemental Memorandum in support of pretrial ...otions.
[illegible]	Filed Gov'ts Notice of Motion for an order requiring dfts. to produce for discovery & inspection all materials.

DATE	Page 02 IV. PROCEEDINGS (cont'd)
[illegible]-75	Filed Gov't [illegible] Bill of particulars & [illegible]
[illegible]-76	Filed Gov't to Memorandum in response to Defts. [illegible] Bill [illegible]
02-[illegible]-76	Filed Memo. End on motion dtd. 2-26-76, motion for a Bill of particulars is granted as to item 3 & 4 (names only); the motion is [illegible] 2(f)(1), 2(g)(1) re stolen, to each thing of value, [illegible],12( )& (b) & 23,(a) & 26(a). The motion is denied in all other respects.... Wyatt J.(mailed notice)
03-02-76	Filed Memo. End. on motion dtd. 2-23-76. The motion for a bill of particulars is granted as to items of the demand numbered 2,9(a)9(b) & 12 as to the "place at which the conversation occurred." The motion is denied in all other respects...Wyatt (mailed notice)
03-08-76	Filed Memo. End on Gov'ts. motion dtd. 3-5-76. Motion granted as to scientific tests which the dfts. intend to introduce at trial, otherwise denied.....Wyatt J (mailed notice)
03-17-76	Filed Gov't. Bill of Particulars.
03-19-76	Filed Gov't. Request to Charge.
03-19-76	Filed Gov't. Amended Bill of Particulars
03-19-76	Filed Defts. Riese's Request to Charge.
03-19-76	Filed Defts. Proposed Examination on the Voir Dire.
03-22-76	Trial begun as to both defts.(Attys. Present) with a jury.
03-23-76	Trial Cont'd.
03-24-76	Trial Cont'd.
03-25-76	Trial Cont'd.
03-26-76	Trial Cont'd.
03-29-76	Trial Cont'd.
03-30-76	Trial Cont'd.
03-31-76	Trial Cont'd Courts charge. Jury finds both defts. Guilty on each of Counts 1 thru 7. Dft. Riese Sentence May 14,1976. Pre Sentence investigation ordered on both defts. Bail cont'd as to both defts.....Wyatt J.
[illegible]-7-76	Filed Defts. Notice of Motion for order setting aside verdict, & granting new trial. Ret: 5/14/76.
[illegible]-7-76	Filed Memorandum of Dft. Riese in support of motion for a Judgment of Acquittal on all counts or for a new trial.
[illegible]	Filed transcript of record of proceedings, dated 3-22,23,24,25,26,1976.
[illegible]-76	Filed transcript of record of proceedings, dated 3-5-76
[illegible]	Filed transcript of record of proceedings, dated 3-29,30,1976 & 4-1-76
[illegible]	Filed transcript of proceedings, dated 3-18-76.

(Cont'd)

Fred Steinberg

Dft..

DATE	PROCEEDINGS Page 03
5-[illegible]-75	Filed Judgment & Order of Probation (Atty. Joyce Barlow Pro Hac) Dft. is hereby committed to the Custody of the Atty. Gen. or his authorized [illegible] at the time of conviction & is suitable for treatment under the Provisions of the Youth Conditions Act. Title 18 U.S.Code, Section 5005 et seq and that compliance. The Dft. is sentence as a Young Adult Offender par. to 5010(a) of Title 18, U.S. Code, as extended by 4209 of Title 18 U.S. Code.) Execution of sentence is suspended on each of counts 1 thru 7. The Dft. is placed on probation for a period of THREE(3)YEARS, subject to the standing probation order of this court. .....Pierce J. Issued Commitment 5-25-75.
05-26-75	Filed letter from Barlow Kats & Barlow dtd. 4/6/76 to Judge Wyatt. Re: request sentence date be adjourned & motion be adjourned.
05-26-75	Filed letter from U.S.Dept. of Justice,SAUZ to Judge Wyatt. Re: reference to sentencing of dfts.
05-26-76	Filedlletter from Barlow Kats & Barlow dtd. 5/20/76 to Judge Wyatt. Re: Pre Sentence Memorandum as to dft. Steinberg.
05-26-76	Filed letter from Shea Gould Climenko Kramer & Casey dtd. 4/6/76 to Judge Wyatt. Re: Steinberg's request to reserve decision of motions & review & hear the post trila motions of Dennis Riese.
05-26-76	Filed letter from Shea Gould Climenko Kramer & Casey dtd. 4/ 29/76 to Judge Wyatt. Re: motion for Dft. Riese for a new trial.
5-28-76	Filed Order that Joyce Krutic Barlow, be been assigned as counsel for dft. for the purpose of an appeal upon his judgment of convictiion rendered,etc...Wyatt J. (mailed notice)
5-28-76	Filed Dfts. Notice of Appeal from Judgment dtd. 5/21/76.(mailed notice)
6-14-76	Filed Notice of Certification of Record to the U.S.C.A.
6-28-76	Filed Notice of Certification of Supplemental Record to the USCA.
6-30-76	Filed Notice of Certification of Supplemental Record to the USCA.

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11a INDICTMENT

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA :

-v- :

FRED STEINBERG and DENNIS RIESE, :

Defendants. :

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INDICTMENT

76 Cr. 125

COUNT ONE

The Grand Jury charges:

1. From on or about January 1, 1975, up to and including the date of the filing of this indictment, in the Southern District of New York, FRED STEINBERG and DENNIS RIESE, the defendants, and Giovanni Pirina, Chayanon Vongchan, Avinash Vashisht, Mohammad Ansari, Phairoj Boonamnuaysuk, Phanvika Tansuttivanich, named as co-conspirators but not as defendants, and other persons to the Grand Jury known and unknown, unlawfully, wilfully and knowingly, together and with each other did combine, conspire, confederate and agree to violate Title 18, United States Code, Sections 201(b), and to defraud the United States.

2. It was part of said conspiracy that the defendants and their co-conspirators would and did directly and indirectly, corruptly give, offer and promise things of value to certain public officials of the United States, namely, John Volpe and Joel Moskowitz, Criminal Investigators of the Immigration and Naturalization Service ("INS"), United States Department of Justice, with intent: (a) to influence official acts, (b) to influence said public officials to commit and aid in committing, and collude in, and allow, a fraud, and make opportunity for the commission

of a fraud on the United States; and (c) to induce said public officials to do and to omit to do acts in violation of their lawful duties, that is, (1) to influence and to induce said public officials fraudulently to provide certain aliens with Alien Registration Receipt Cards ("green cards"), to which said aliens were not then lawfully entitled under the immigration laws of the United States, and (2) to influence and induce said public officials to disclose to the defendants confidential, official information about INS investigations relating to aliens illegally employed at Brew Burger restaurants for the purpose of influencing the course of such investigations and for the purpose of avoiding and preventing the arrests of such aliens.

3. It was a further part of said conspiracy that the defendants and their co-conspirators would and did defraud the United States and its departments and agencies in connection with the performance of their lawful governmental functions by obstructing and hindering, by deceit, craft, trickery and dishonest means, the Immigration and Naturalization Service of the United States Department of Justice in the due and proper administration and enforcement of the immigration laws of the United States, and by depriving INS of its lawful right to have its officers free to perform properly, impartially and honestly their official functions unhindered and uninfluenced by the exertion on them of dishonest, unlawful and undue pressure and unhindered and uninfluenced by the offer and payment to them of any gratuities, bribes or other things of value.

4. Among the means by which the defendants and their co-conspirators would and did carry out their agreed upon unlawful purposes were the following:

(a) The defendants FRED STEINBERG and DENNIS RIESE offered INS Criminal Investigators John Volpe and

Joel Moskowitz bribes in exchange for receiving confidential, official information about and influencing the course of INS investigations of aliens working illegally at Brew Burger restaurants.

(b) The defendants FRED STEINBERG and DENNIS RIESE arranged for co-conspirators Giovanni Pirina, Chayanon Vongchan, Avinash Vashisht, Mohammad Ansari, Phairoj Boonamnuaysuk, to pay INS Investigators John Volpe and Joel Moskowitz, $5,000 in cash in exchange for green cards to which said co-conspirators were not then lawfully entitled.

OVERT ACTS

In furtherance of, and to effect the objects of the conspiracy, certain overt acts were committed by the defendants in the Southern District of New York, including the following:

1. On or about March 31, 1975 the defendant FRED STEINBERG solicited INS Criminal Investigator Volpe's and Moskowitz's participation in a corrupt arrangement in connection with arrests of aliens working illegally at Brew Burger restaurants.

2. On or about April 29, 1975 the defendant FRED STEINBERG solicited INS Criminal Investigator Volpe's participation in a corrupt arrangement in connection with arrests of aliens working illegally at Brew Burger restaurants.

3. On or about May 6, 1975, the defendants FRED STEINBERG and DENNIS RIESE met with Criminal Investigators Volpe and Moskowitz at the Brew Burger restaurant, 109 East 42nd Street, New York, New York and discussed with them the payment of bribes to Volpe and Moskowitz in exchange for confidential information as to investigations which would involve the arrest of aliens working illegally at Brew Burger restaurants.

4. On or about May 6, 1975, the defendant DENNIS RIESE met with Criminal Investigators Volpe and Moskowitz at the Brew Burger restaurant, 109 East 42nd Street, New York, New York, and in the presence of the defendant FRED STEINBERG, asked Criminal Investigators Volpe and Moskowitz if they could get a green card for Avinash Vashisht, an alien working illegally at a Brew Burger restaurant.

5. On or about May 14, 1975, the defendant FRED STEINBERG met with Criminal Investigators Volpe and Moskowitz at the Brew Burger restaurant on 52nd Street and Third Avenue and offered to arrange the purchase of green cards by illegal aliens for $1,000 per green card.

6. On or about May 22, 1975, the defendants FRED STEINBERG and DENNIS RIESE met with Criminal Investigators Volpe and Moskowitz in front of the Brew Burger restaurant at East 41st Street and Second Avenue, New York, New York and discussed arrangements to be made for the payment of bribes by illegal aliens in exchange for obtaining green cards to which they were not lawfully entitled.

7. On or about May 22, 1975 the defendants, FRED STEINBERG and DENNIS RIESE requested Criminal Investigators Volpe and Moskowitz to terminate investigations and arrests of illegal aliens at five specified Brew Burger restaurants.

8. From on or about May 27, 1975 through on or about June 9, 1975 the defendants FRED STEINBERG and DENNIS RIESE prepared, assisted in the preparation and signed INS forms on behalf of Phanvika Tansuttivanich, Giovanni Pirina, Avinash Vashisht, Chayanon Vongchan, Mohammad Ansari and Phairoj Boonamnuaysuk.

9. On or about June 10, 1975 the defendant FRED STEINBERG directed Giovanni Pirina, Avinash Vashisht, Chayanon Vongchan, Mohammad Ansari and Phairoj Boonamnuaysuk to go to Room 2147 of the Commodore Hotel on June 12, 1975 and to bring $1,000 in cash.

10. On June 12, 1975, the defendant FRED STEINBERG and Phanvika Tansuttivanich went to the Commodore Hotel and received a green card for Phanvika Tansuttivanich.

11. On June 12, 1975, Giovanni Pirina, Avinash Vashisht, Chayanon Vongchan, Mohammad Ansari and Phairoj Boonamnuaysuk went to the Commodore Hotel and each paid INS Criminal Investigators Volpe and Moskowitz $1,000 in exchanged for a green card.

(Title 18, United States Code, Section 371.)

COUNT TWO

The Grand Jury further charges:

From on or about March 31, 1975, up to and including June 12, 1975, in the Southern District of New York, FRED STEINBERG and DENNIS RIESE, the defendants, unlawfully, wilfully and knowingly, directly and indirectly, did corruptly offer things of value, to wit, free meals at restaurants owned by the family of the defendant DENNIS RIESE, to public officials of the United States, namely, John Volpe and Joel Moskowitz, Criminal Investigators of the Immigration and Naturalization Service United States Department of Justice, with intent: (a) to influence official acts; (b) to influence said public officials to commit and aid in committing, and collude in, and allow, a fraud, and make opportunity for the commission of a fraud, on the United States; and (c) to induce said public officials to do and omit to do acts in violation of their lawful duties, to wit, to influence and to induce said public officials to disclose confidential, official information about INS investigations of aliens illegally employed at Brew Burger restaurants, to influence the course of such investigations, and to avoid and to prevent the arrests of certain aliens illegally employed at such restaurants.

(Title 18, United States Code, Section 201(b).)

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COUNT THREE

The Grand Jury further charges:

From on or about March 31, 1975, up to and including June 12, 1975, in the Southern District of New York, FRED STEINBERG and DENNIS RIESE, the defendants, unlawfully, wilfully, and knowingly did aid, abet, counsel, command, induce and procure Giovanni Pirina unlawfully, wilfully and knowingly, directly and indirectly, corruptly to give and offer things of value, to wit, $1,000.00 in United States currency, to public officials of the United States, namely, John Volpe and Joel Moskowitz, Criminal Investigators of the Immigration and Naturalization Service, United States Department of Justice, with intent: (a) to influence official acts; (b) to influence said public officials to commit and aid in committing, and collude in, and allow, a fraud, and make opportunity for the commission of a fraud, on the United States; and (c) to induce said public officials to do and omit to do acts in violation of their lawful duties, to wit, to influence and induce said public officials fraudulently to provide Giovanni Pirina with an Alien Registration Receipt Card to which Pirina was not then lawfully entitled under the immigration laws of the United States.

(Title 18, United States Code, Sections 201(b) and 2.)

COUNT FOUR

The Grand Jury further charges:

From on or about March 31, 1975, up to and including June 12, 1975, in the Southern District of New York, FRED STEINBERG and DENNIS RIESE, the defendants, unlawfully, wilfully, and knowingly did aid, abet, counsel, command, induce and procure Avinash Vashisht to, unlawfully, wilfully, knowingly, directly and indirectly, corruptly to give and offer things of value, to wit, $1,000.00 in United States currency, to public officials of the United States, namely,

d-861 John Volpe and Joel Moskowitz, Criminal Investigators of the Immigration and Naturalization Service, United States Department of Justice, with intent: (a) to influence official acts; (b) to influence said public officials to commit and aid in committing, and collude in, and allow, a fraud, and make opportunity for the commission of a fraud, on the United States; and (c) to induce said public officials to do and omit to do acts in violation of their lawful duties, to wit, to influence and induce said public officials fraudulently to provide Avinash Vashisht with an Alien Registration Receipt Card to which Vashisht was not then lawfully entitled under the immigration laws of the United States.

(Title 18, United States Code, Sections 201(b) and 2.)

COUNT FIVE

The Grand Jury further charges:

From on or about March 31, 1975, up to and including June 12, 1975, in the Southern District of New York, FRED STEINBERG and DENNIS RIESE, the defendants, unlawfully, wilfully, and knowingly did aid, abet, counsel, command, induce and procure Chayanon Vongchan unlawfully, wilfully and knowingly, directly and indirectly, corruptly to give and offer things of value, to wit, $1,000.00 in United States currency, to public officials of the United States, namely, John Volpe and Joel Moskowitz, Criminal Investigators of the Immigration and Naturalization Service, United States Department of Justice, with intent: (a) to influence official acts; (b) to influence said public officials to commit and aid in committing, and collude in, and allow, a fraud, and make opportunity for the commission of a fraud, on the United States; and (c) to induce said public officials

to do and omit to do acts in violation of their lawful duties, to wit, to influence and induce said public officials fraudulently to provide Chayanon Vongchan with an Alien Registration Receipt Card to which Vongchan was not then lawfully entitled under the immigration laws of the United States.

(Title 18, United States Code, Sections 201(b) and 2.)

COUNT SIX

The Grand Jury further charges:

From on or about March 31, 1975, up to and including June 12, 1975, in the Southern District of New York, FRED STEINBERG and DENNIS RIESE, the defendants, unlawfully, wilfully, and knowingly did aid, abet, counsel, command, induce and procure Mohammad Ansari unlawfully, wilfully and knowingly, directly and indirectly, corruptly to give and offer things of value, to wit, $1,000.00 in United States currency, to public officials of the United States, namely, John Volpe and Joel Moskowitz, Criminal Investigators of the Immigration and Naturalization Service, United States Department of Justice, with intent: (a) to influence official acts; (b) to influence said public officials to commit and aid in committing, and collude in, and allow, a fraud, and make opportunity for the commission of a fraud, on the United States; and (c) to induce said public officials to do and omit to do acts in violation of their lawful duties, to wit, to influence and induce said public officials fraudulently to provide Mohammad Ansari with an Alien Registration Receipt Card to which Ansari was not then lawfully entitled under the immigration laws of the United States.

(Title 18, United States Code, Sections 201(b) and 2.)

COUNT SEVEN

The Grand Jury further charges:

From on or about March 31, 1975, up to and including June 12, 1975, in the Southern District of New York, FRED STEINBERG and DENNIS RIESE, the defendants, unlawfully, wilfully, and knowingly did aid, abet, counsel, command, induce and procure Phairoj Boonamnuaysuk to, unlawfully, wilfully and knowingly, directly and indirectly, corruptly to give and offer things of value, to wit, $1,000.00 in United States currency, to public officials of the United States, namely, John Volpe and Joel Moskowitz, Criminal Investigators of the Immigration and Naturalization Service, United States Department of Justice, with intent: (a) to influence official acts; (b) to influence said public officials to commit and aid in committing, and collude in, and allow, a fraud, and make opportunity for the commission of a fraud, on the United States; and (c) to induce said public officials to do and omit to do acts in violation of their lawful duties, to wit, to influence and induce said public officials fraudulently to provide Phairoj Boonamnuaysuk with an Alien Registration Receipt Card to which Boonamnuaysuk was not then lawfully entitled under the immigration laws of the United States.

(Title 18, United States Code, Sections 201(b) and 2.)

Foreman

Thomas J. Cahill

THOMAS J. CAHILL
United States Attorney

* * *

EAMONN DOLAN, called as a witness by the Government, having been first duly sworn, testified as follows:

MR. IASON: May I proceed, your Honor?

THE COURT: Yes.

DIRECT EXAMINATION

BY MR. IASON:

Q Mr. Dolan, where are you employed, sir?

A I was employed by the Riese organization in

New York.

Q And when were you first employed by the Riese organization?

A On July the 31st, 1965.

Q And when did you leave the Riese organization, what date, sir?

A On June 25th, 1975.

Q At the time you left the Riese organization what was your title?

A I was director of operations.

Q On May 10, 1975, what was your position with the Riese organization?

A I was director of operations.

Q What were your duties as director of operations?

A Well, I was responsible for the overall operations of the restaurants.

Q Do you know Fred Steinberg?

A Yes.

Q How do you know Fred Steinberg?

A Well, he came to the company I'd say approximately about two and a half years ago.

Q Were you his superior at the Riese organization?

A One of them, not his immediate superior.

Q But you were a superior to him at the Riese

organization?

A Yes.

Q Do you see Mr. Steinberg in this courtroom?

A Yes.

Q Would you please point him out?

A It is this gentleman over there [indicating.]

THE COURT: Mrs. Barlow, I assume the identification is conceded.

MRS. BARLOW: Yes, sir.

THE COURT: All right. The record may show the identification conceded.

Q Did you know Dennis Riese?

A Yes.

Q How do you know Dennis Riese?

A Well, he is the son of Murray Riese.

Q And is Murray Riese connected with the Riese organization?

A Yes, he and his brother own and operate the restaurants.

Q And did Dennis Riese work for the Riese organization?

A Yes.

Q In what capacity?

A Well, when he came initially to the company

he worked as an assistant manager, became a manager, became a supervisor and a divisional supervisor in a chain called the Brew Burgers.

Q During the period March 19, 1975 through June 12, 1975, what was Mr. Riese's position with the Brew Burger organization or the Riese organization?

A Are you talking about Dennis Riese?

Q Yes.

A He was divisional supervisor of the Brew Burgers.

Q Was he Mr. Steinberg's superior?

A Yes.

Q Were you Mr. Dennis Riese's immediate supervisor?

A Yes.

Q Mr. Dolan, let me direct your attention to May 10, 1975. Did you have a meeting with Dennis Riese that day?

A Yes.

Q What led up to that meeting, sir?

A I had received by hand a letter from Dennis Riese, I think it was the previous day and I wished to discuss with him the contents.

Q And did you discuss the contents of that letter

with Mr. Riese on May 10th?

A Yes.

Q Do you have the letter with you, sir?

A Yes.

Q May I see it, please?

[Produced.]

MR. IASON: May I have just a moment, your Honor?

THE COURT: Yes, of course.

[Pause.]

Q Please look at Government Exhibit 39 for identification. Is that the letter you just handed me?

A Yes.

Q You received that letter from Dennis Riese on or about May 9, 1975?

A Not from him directly. It was delivered to my office.

Q Did you discuss that letter with Mr. Riese on or about May 10, 1975?

A Yes, sir.

MR. IASON: The Government offers Exhibit 39 in evidence.

MR. GOULD: No objection.

MRS. BARLOW: Your Honor, may I see that?

I have never seen it before.

THE COURT: Of course.

[Pause.]

MRS. BARLOW: No objection, your Honor.

THE COURT: All right, without objection it will be received. Mark it.

* * *

* * *

A Yes, sir.

Q By whom?

A Dennis Riese.

Q On May 10, 1975, did you have a conversation with Mr. Riese?

A Yes.

Q To the best of your recollection, what did Mr. Riese say and what did you say?

A Well, Dennis Riese came to my office at 625 Madison Avenue and there were just two of us in the office. Mr. Kaheyros had been there previously, and I asked him to excuse us until I discussed the contents of this letter with Dennis.

We went through the beginning of the letter whereby he was asking --

RESUME

A He wanted to discuss, and he was petitioning increases for some managers that were in the Brew Burgers, and we discussed the merits of each case.

The next part of the conversation dealt with some supervision at, as far as I recall, the Brew Burger that is located in the Commodore Hotel.

The main part of the letter we discussed was that he expressed concern about the lack of response to an ad that one of the supervisors by the name of Eva -- she was in another division, and she was running some ads for waiters and waitresses at a restaurant called The Crowing Cock which was owned and operated by the company, and that the response was so poor there that Dennis asked for permission to run a series of ads for a month at our personnel office at 110 West 34th Street because he felt that he would get better response perhaps from that area.

The reason that he gave me for that was that he and Fred Steinberg were going to have a second meeting with the Immigration authorities and as a result of that meeting he expected reprisals whereby he and Fred Steinberg would be refusing to make a deal which was suggested by the Immigration authorities and which they were about to refuse.

I asked him, I said, "What kind of a deal are you talking about?"

"Well," he said, "we seem to have a lot of these illegal aliens in our stores," and he says, "We are having difficulty staffing them when they raid the stores and pull these people out," and he was trying to solicit their cooperation whereby that --

MRS. BARLOW: Objection, your Honor.

THE COURT: I think the point of the objection, Mr. Dolan, is that we want you to tell us in words or substance what was said and not your conclusions.

But go ahead. Go on.

Q Do you remember the words that were used, Mr. Dolan?

A Well, what he said was -- when I said to him, "What kind of a deal, what are they talking about?" And he says, 'These people are looking for money."

I said, "That sounds unbelievable."

I said, "Are you sure?"

And he says, "Yes."

So I said, "In that particular case, I am instructing you now not to keep this appointment on the 13th of the month and to have no further contact with them, and if it is necessary for them to come in and

take everybody that's in the stores who are there illegally, that's the way it has to be. You run your ads and staff your stores as best you can."

That was, in essence, that part of the conversation.

Q Did you tell him what he should do about the illegal aliens in the stores?

MR. GOULD: If your Honor please, I object to that.

THE COURT: I will permit it.

A I didn't hear the question.

MR. IASON: Mr. Reporter, would you read the question?

[Question read.]

A I told him as far as any illegal aliens in the stores were concerned, that he should replace them as soon as possible.

Q Mr. Dolan, when Mrs. Barlow raised her objection you were in the midst of a portion of the conversation.

Did you ask Mr. Riese in words or substance, what had led up to the Immigration officers asking for money?

A Yes. His explanation was that he was appealing

to them for cooperation insofar as if they found a number of illegal aliens in the stores, that they would give him a few days, especially where it covered sensitive positions of a cashier or a counter girl or a preparation man or a head cook, they would give them a couple of days to try to replace these people.

Q Mr. Dolan, did Mr. Riese say to you that, "We asked them to go easy"?

MRS. BARLOW: Objection to the leading, your Honor.

THE COURT: Overruled.

A To the best of my knowledge, within that conversation he may have used that expression but -- and if it was, it was in the context of, again, looking for their cooperation rather than trying to fight them on it, and that he was trying to staff the stores, and I guess he felt he needed their cooperation until he got a little breathing space, until he got his ads running.

Q Mr. Dolan, did Mr.Riese say to you that, "We asked them to go easy"?

MR. GOULD: I object to that as having been asked and answered as fully as it can, your Honor.

THE COURT: No, I will permit it. Overruled.

A He may have said that in the context in which

I used it.

Q Mr. Dolan, did you come in and have an interview with me at my office?

A Yes, sir.

Q Who else was present at that time?

A My attorney, Mr. Fitzpatrick and --

Q Was anyone else present, if you recall?

A And this gentleman here, over here [indicating].

Q Pointing to Mr. Ramaizel?

A Yes.

* * *

* * *

Q Did you have any further conversation with Mr. Riese about this subject?

A No. We disqussed some other things that were in the letter about supervision and about a night supervisor, but I never had any further conversation with Dennis Riese with regard to that particular letter or the contents in that letter thereafter.

Q At any time after May 10,1975, at any time did you have a conversation with Mr. Riese about this subject, Mr. Dennis Riese?

A No, sir.

Q Mr. Dolan, you testified that you left the Riese organization on June 25, 1975. Did you have a conversation with someone that day about leaving the Riese organization?

MR. GOULD: I object to that, your Honor, unless counsel can show us it is somehow connected with this case.

THE COURT: I will permit the answer to this question. Overruled.

Q Did you have a conversation --

A Wnat?

Q On June 25, 1975, the day you left the Riese organization, did you have a conversation with anyone about leaving the Riese organization?

A Yes.

Q With whom?

A Irving and Murray Riese.

Q And who are Irving and Murray Riese?

A They own and operate the Riese organization restaurants.

Q And is Dennis Riese related to them?

A He is the son of Mr. and Mrs. Murray Riese.

* * *

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* * *

Q Is it a practice in the investigative branch of the Immigration Service to make written notations and memoranda as to what transpires in the course of a series of arrests?

A Sometimes.

Q Can you tell us when?

A You might go back and report to your supervisor, tell him about a certain incident that happened in the field. He might say, 'Well, to cover yourself you will write a memo for me, please."

* * *

Q Do you remember who it was who suggested that Mr. Steinberg fill out the marriage form for his girl friend?

A No, ma'am.

Q Do you remember that it was your signature?

A Very possibly.

Q Isn't it true that Mr. Steinberg wanted to fill out a form for her showing that she was an executive secretary in the company?

A Yes, ma'am.

Q He wanted to fill out an employer form, didn't he?

A Yes, ma'am.

Q Didn't he tell you he wasn't married to her?

A Yes, ma'am.

Q Do you know if he is married to her now?

A No, ma'am.

Q Do you see her in the courtroom?

A Yes, ma'am.

Q Can you identify her?

A She is the young lady in the first row.

Q Can you tell us why you suggested the marriage form?

A No.

Q Do you have any idea?

A Mr. Steinberg said he was getting married to her.

Q And he told you he was in the process of a divorce, didn't he?

A Yes.

Q And when he told you he wasn't married to her you said, "Don't worry, it doesn't matter."

A Yes, ma'am.

Q You kept telling him not to worry?

A Yes, ma'am.

Q And you said everything would be okay and it didn't make any difference?

A Yes, ma'am.

Q During this time you told Mr. Riese and Mr. Steinberg that all the things you were doing were legal, didn't you?

A Yes, ma'am.

Q Didn't you tell them that you set up files in Immigration for all of these peope?

A Yes, ma'am.

Q If they lost the green cards they were given, you were giving, people could go back and get new ones?

A Yes.

Q Five years hence they would be able to become U.S. citizens?

A Yes.

Q You said you were playing the angles like a lawyer would play, didn't you?

A I didn't say that, ma'am.

Q Did Mr. Moskowitz say that?

A I believe so.

Q You wanted to make sure that these people knew that all of this was legal, didn't you? You wanted Mr. Steinberg and Mr. Riese to think that everything you were doing was legal, didn't you?

A Yes, ma'am.

Q What did you mean when you told him that you were the honcho?

A I was the supervisor of the evening shift. I was the number one man.

Q You were the big shot, weren't you?

A The supervisor, yes.

Q You wanted Mr. Steinberg to understand that you had power, didn't you?

A Yes, ma'am.

Q You wanted to make sure he knew you had power?

A Yes, ma'am.

* * *

Q Under what circumstances, sir, were you authorized to issue a pass in a commercial establishment?

A At my own discretion.

Q And how many times did you do it?

A A number of times, sir.

Q Where did you do it, in what commercial establishments? Name one of them where you gave somebody a pass in a commercial establishment. Just name one for me.

A I don't remember one offhand.

* * *

* * *

Q Now, when you first met Mr. Steinberg, the very first time you ever met him, you never heard of him before, had you?

A No, sir.

Q And it was on March 19, 1975, is that true?

A Yes, sir.

Q That is the first time you ever laid eyes on that young man over there, Steinberg?

A Yes, sir.

Q And then he came in the restaurant and he talked to you about, "Couldn't you go easy on pulling people out," right?

A Yes.

Q And as far as you knew, he was a perfectly decent, honest young man, isn't that correct?

A Yes, sir.

Q You didn't know anything about him that was derrogatory?

A No, sir.

Q And when you left the restaurant you thought he was a perfectly decent, honest young man, is that not right?

A Yes, sir.

Q And when you left the restaurant did you go back to your superiors and report on any of the events that had taken place in the restaurant on that evening?

A Yes, sir.

Q Did you make a written report?

A No, sir.

Q To whom did you report?

A Mr. John E. Coffee.

Q And did you tell Mr. Coffee that Mr. Steinberg wanted you to try to give him advance notice or otherwise not disrupt their business?

A Yes, sir.

Q Now, in this conversation that you had with Steinberg on that day, all that he was concerned about was the fact that the raids or visitations were disruptive, isn't that correct?

A Yes, sir.

Q They interferred with business, and he wanted you to see if you couldn't work something out so that his business wasn't badly affected, correct?

A Yes, sir.

Q He didn't offer you anything, did he?

A Not at that time, sir.

Q He didn't make the faintest suggestion to you that he was going to compensate you for doing that?

A No, sir.

Q Now, in these other visitations in which you had engaged in behalf of the Immigration Service, hadn't other employers suggested to you that the visitations were disruptive?

A Yes, sir.

Q And hadn't other employers suggested to you that they would like to work something out so that they wouldn't be put out of business?

A Yes, sir.

Q And had you reported all of those?

A Yes, sir.

Q Would you tell us one employer who had made that suggestion to you?

A I don't recall the name of the restaurant. It's in the Village. He just asked if we would come back at midnight and take his dishwashers after the evening's dinner was finished.

Q Well, substantially that is all that Steinberg

wanted you to do, was not take them so that it interferred with the operation of the restaurant?

A Yes, sir.

B2 Q There was nothing extraordinary about that, was there? It had happened before?

A Yes, sir.

Q Why did you find it necessary to report it your superior?

A I report most of the instances that happen in the field to a superior.

Q Even when an employer says to you, in effect, "Can't you do this in some way that doesn't break up my business," you always report that to your superior?

A Sometimes it might warrant a memo according to what the supervisor wants.

Q Did you ever write a memo about an employer asking you to do this work in a way that was not disruptive of the business?

A No, sir.

Q Didn't you just tell me sometimes you write a memo about it?

A If there is an incident at the restaurant, yes.

Q If an employer suggests to you that he would like to work something out with you so that it is not

disruptive of his business do you put that in a memo?

A I don't recall if I ever have, sir.

Q What did you mean a few moments ago when you said sometimes you put it in a memo?

A If somebody is trying to work something out with me and I am rolling around on the floor with one of their employees, I have to write a memo because I have had a fight or an altercation in a restaurant, and they want to work something out and leave this man here, well, I have to say I was trying to explain to the employer I cannot leave the employee, and I had a fight with the gentleman.

Q Now, assuming there is no fight or violence, but just the employer is running a factory or a restaurant where he has got some of these aliens that you think are working unlawfully, all he does is say, "Look, can't you do this in a way that isn't going to destroy my business or disrupt my business." Did you ever write a memo on that?

A Not that I recall, no, sir.

Q Did you ever report that to Mr. Coffee that the fellow just asked you to do it that way?

A Yes, sir.

Q Always; is that your regular practice?

A Good part of the time, sir.

Q And in this case you say you reported it on, when,

March 19th or March 20th?

A March 19th.

Q On the night that it occurred?

A Yes, sir.

Q You went right back to the office and told Mr. Coffee?

A Yes, sir.

Q And what time was that?

A It was later in the evening, sir. I don't recall the exact time.

Q And Mr. Coffee was there waiting for you, right?

A Yes, sir.

Q When you discussed it with Mr. Coffee on March 19th, did you suggest to him in any way or did you tell him anything that suggested to him that maybe Mr. Steinberg wanted to make a payoff to you?

A No, sir.

Q Well, you are very sure, are you not, that this conversation with Steinberg took place on March 19th?

A According to the records that was the date, sir.

Q That is what it says according to the records. Do you mean the records that you inspected?

A Yes, sir.

* * *

Q Now, Mr. Volpe, I show you a paper which has been marked Defendant Exhibit A for identification. You have seen that before, have you not?

A Yes, sir.

Q It has got your name on it?

A Yes, sir.

Q Actually, you wrote it, didn't you?

A Yes, sir.

Q And you signed it?

A Yes, sir.

Q And is it true to the best of your knowledge?

A To the best of my knowledge, yes.

Q You told us, I think, that while you dictated this at an earlier time it was not typed up until April 9?

A Yes, sir.

Q So that the date in the right-hand corner, April 9, only applies to the date on which it was actually

typed up?

A Yes, sir.

Q And that the notes from which this was made was destroyed?

A Yes, sir.

Q They were destroyed in your presence by your superior; is that correct?

A Yes, sir.

Q Now, sir, in this memorandum did you say anything about a talk with Mr. Steinberg on March 19?

A I don't think I mentioned anything about the March 19th meeting in that memo.

Q Why not?

A Because my superiors instructed me to further investigate first.

Q So that this memorandum does not deal with the first meeting, it deals with the later meeting; is that right?

A Yes, sir.

Q So we have it then that with respect to the March 19th meeting you didnot prepare a memorandum?

A That is right, sir.

Q And that it was with respect to a later meeting that you prepared a memorandum?

3 mcsr Volpe - cross

A Yes, sir.

Q There was no effort on your part when you wrote this, and this being Defendant Exhibit A, to describe the first meeting?

A No, sir.

Q This was an attempt to describe the March 31 meeting; is that correct?

A Yes, sir.

Q And by March 31 you knew Mr. Steinberg pretty well, didn't you? You had talked with him at least twice?

A No, sir.

Q You knew his name, didn't you?

A Only as Fred.

Q On March 31 you knew him only as Fred?

A Yes.

Q Had you had any conversation with him on March 19th?

A Yes.

Q Didn't he tell you his name then?

A Just Fred.

Q Would you hold this in front of you now, sir?

A Yes, sir.

Q Just one question: Why didn't you do one of these on March 19th?

4 mcsr Volpe - cross

A As I said, I was instructed by my superiors to further investigate.

Q Now, in this memorandum you described Steinberg as rushing in; correct?

A Yes.

Q Being very upset?

A Yes.

Q Did that happen on March 31?

A Well, when he saw me he knew who I was.

Q You just stay with my little questions, Mr. Volpe.

A Sorry, sir.

Q Did that happen on March 31 or on March 19, what you described in this memorandum?

A What is it that you want that I described in the memo?

Q I want you to tell us again whether it was on March 19 or on March 31 that a young fellow who called himself only Fred rushed into the restaurant during the raid and told you how excited he was, how upset he was; when did it happen, on the 19th or the 31st?

A Both days.

Q He did exactly the same thing both days?

A Pretty much so, yes, sir.

-- -- - --

* * *

Q Now, Mr. Volpe, you wrote down on this paper, "Attempting to gain immigration benefits by offering a bribe to a serv[illegible] officer."

Did Mr. Steinberg offer you a bribe on either the 19th of March or the 31st of March? Just yes or no, if you can.

A No, sir.

Q Why did you put it on this paper?

A That is what I was instructed by my supervisor.

Q It is false, is it not?

A He is the supervisor.

Q But it is false to say on this paper that either on March 19 or on March 31 Mr. Steinberg offered you a bribe?

MR. IASON: Objection.There is nothing in here that says that.

THE COURT: Just make your objection.

Objection sustained.

Q Are you telling us that you put that in here only because your supervisor told you to?

A That is the title he told me to use.

Q Did you say to him, "Dear Mr. Supervisor, This man didn't offer me a bribe"?

A He is the supervisor. I said nothing to hi

Q You just put down what he said?

Do we have it clearly, then, that when this was written you had never received an offer of a bribe from

Mr. Steinberg or anybody else connected with this restaurant; right?

A Yes, sir.

Q Did there come a time when you reported this whole incident of March 31 to the Federal Bureau of Investigation?

A I don't recall the March 31 one was told to them.

Q Do you remember whether you ever did or did not report it to the Federal Bureau of Investigation?

A I didn't report it. My superiors reported it.

Q Did you ever have a discussion with anybody connected with the Federal Bureau of Investigation about this incident?

A Yes, sir.

Q Who?

A Special Agent Charles McCormack.

Q When for the first time?

A I don't remember, sir.

* * *

T4.B3

Q Did there come a time when you discussed it with Mr. Jaffe?

A Yes, sir.

Q When for the first time?

A I believe the first week in May, sir, same time as the FBI.

Q By the way, in this Exhibit A you never said anything about giving a pass, did you?

A No, sir.

Q Did you ever tell the FBI that you gave a pass?

A Yes, sir.

Q When?

A When we saw them, sir.

Q When was the first time?

A I don't remember the exact date, sir.

Q Let's see if we can help you.

A Thank you.

Q Do you remember that on May 1, 1975 you had an interview with Agent Charles D. McCormack of the FBI?

A Could I have the date again, please?

Q May 1, 1975.

A Thank you, sir.

MR. GOULD: May we have the original of that, sir, the interview?

MR. IASON: I don't have it. I don't have the original.

MR. GOULD: I don't mean the original. I just want a clean copy.

THE COURT: Do we have a copy that hasn't been marked up?

MR. GOULD: If you don't have one, I have one.

MR. IASON: Yes, your Honor.

MR. GOULD: Mark it, please, B for identification.

MR. IASON: That particular one which is being marked is my copy.

MR. GOULD: Here, use this one, use mine.

XX (Defendant Riese Exhibit B marked for identification.)

Q Mr. Volpe, do you have that interview in mind?

A May 1st, yes, sir.

Q Where did it take place?

A Mr. James Rowland's office in 20 West Broadway, 13th floor.

Q Mr. McCormack was there and you told him whatever it was you wanted to say about this; correct?

A Yes.

Q Just you, Rowland and McCormack were present?

A And Mr. Moskowitz.

Q In that interview, did you say anything about having received an offer of a bribe from Steinberg?

A I said that he wanted to work something out.

Q He said the same thing he said on March 19th, didn't he?

A Yes, sir.

Q Same thing he said on March 31st?

A Yes, sir.

Q He said the same thing that you told us other people had suggested to you?

A Yes, sir.

Q Why did you refer it to the FBI; what was so unusual about it?

A I don't know. You will have to ask my supervisor.

Q Who was the one who suggested that you should discuss it with the FBI?

A Mr. Henry Wagner.

Q Is that the same supervisor who told you to put the word bribe on the memorandum, Exhibit A?

A No, it is not.

Q That is a different supervisor?

A Yes, sir, it is.

Q Did the FBI ask you whether this man had offered you anything?

A I don't remember, sir.

Q We do have this, to be perfectly clear: That as of the moment of this interview you had received no offers of anything?

A Yes, sir.

Q That is, from Steinberg or anybody else connected with the Brew & Burger Restaurants; isn't that right?

A That is right.

* * *

* * *

B4

Q When it was agreed to set up a meet with Steinberg and have the meet recorded --

A Yes, sir.

Q -- you were there?

A I gave my permission, sir.

Q Whom did you discuss it with?

A Mr. McCormack and Mr. Rowland.

Q Will you tell us what they said to each other when it was agreed to set up this meet with the recorders; what you said and what Rowland said and what the FBI fellow said?

A I have no idea. I don't recall.

Q You have absolutely no memory of it, sir?

A I was asked if I would be willing to give permission to wear a body recorder at a meet and I said yes.

Q Was there a discussion why there should be a meet with body recorders?

A No, sir, not that I recall.

Q Didn't anybody say, "We ought to get this guy," or something like that?

A No, sir.

Q At this moment, nobody had offered you a bribe as of the date of this meeting; you had not received any offer of a bribe?

THE COURT: We have been over that.

MR. GOULD: I'm sorry, but not as of the date of the meeting.

THE COURT: I will permit it.

Q As of the date of this meeting, did you tell anybody that you had been offered a bribe of any kind?

A No.

Q Didn't you tell them that you thought if you set up this meet he might offer you a bribe?

A I didn't come to that conclusion. My supervisor did.

Q And you had had no other encounters with Steinberg?

A No, sir.

Q And up to this time nobody had offered you a bribe?

A Not to my knowledge.

Q Up to the time of the meeting with Jaffe nobody had offered you a bribe, correct?

A Yes, sir.

Q And then Mr. Jaffe and you and these other fellows discussed, did you not, how you were going to act on the meet with the tape recorder?

A Yes, sir.

Q Isn't that right. Now, will you tell us what Mr. Jaffe told you about how you were to act?

A To act as a criminal investigator, my usual self.

Q Did he tell you that you should pretend to be a corrupt officer?

A No, he didn't.

Q Did he tell you that you should give any intimations or encouragement to Mr. Steinberg that you were a corrupt officer?

A Not that I recall, no.

Q Was there any discussion about how you should act other than you should act as a criminal investigator for the Immigration Service?

A Yes, sir, he said, "Find out what Mr. Steinberg wants to work out with you."

Q You didn't go over what you were to say to Mr. Steinberg?

A No.

Q So it didn't take very long, did it?

A No, it was very short.

Q He just said, "You go in there and find out what Steinberg wants"?

A No. He said, "See what he wants to offer you, if it's possible see if he is going to offer you money," and he said, "If anybody brings the mention of green cards, jump on the bandwagon."

Q What does that mean, jump on the bandwagon?

A I guess to go along with them.

Q I see. It was Jaffe who suggested to you that maybe the subject of green cards would come up, is that correct?

A Yes, sir.

Q You hadn't thought of that up until then, had you?

* * *

A Yes, sir.

Q And that conversation consisted solely of your repeating what you had already told your superiors and the FBI and Mr. Jaffa saying, "Act like a criminal investigator, find out what he wants, and if the green cards come up, jump on the bandwagon"?

A Yes, sir.

Q And you knew what he meant by jump on the bandwagon?

A He said, "Go along with them and see what they want to do about green cards."

Q How long did the meeting with Mr. Jaffe take?

A I don't remember, sir.

Q No, approximately?

A Not even approximately, sir.

Q How about an hour?

A Sir, I cannot approximate.

Q How about two hours? Does that help you?

* * *

MR. GOULD: Shall I proceed, your Honor?

THE COURT: You may.

BY MR. GOULD:

Q Mr. Volpe, when we recessed for the moment

we were talking about the meeting in Mr. Jaffe's office. Have you told us all that you can remember about that meeting?

A Yes, sir.

Q Was the word bribe used by anybody in the meeting?

A I don't recall, sir.

Q Did anybody say that you should go out and try to get evidence of a bribe, anything like that?

A Not at that time, no, sir.

Q So as you testify now you have no recollection that the word bribe was used?

A That's right, sir.

* * *

* * *

Q Now, sir, as of the date May 2, 1975, nobody had offered you a bribe; had they?

A No, sir.

* * *

* * *

Q Did anybody tell you how to act, what to say or what to do other than what you have described about your conversation with Jaffe?

A No, sir.

Q So that from that moment on anything that you did was your own idea?

A Well, yes, sir.

Q Now, did this other fellow, Moskowitz, did he go over there with you?

A Yes, sir.

Q And didn't you and Mr. Moskowitz discuss on the way over to the restaurant how you were going to behave?

A No, sir.

Q You didn't discuss it at all?

A No, sir.

Q Just went in cold?

A Before we were wired up we spoke about it in the FBI building.

Q I see. And did you agree with Mr. Moskowitz how you were going to behave in the restaurant?

A Yes, sir.

Q What did you say to him; what did he say to you about how you were going to conduct the meet?

A We were going to find out what Mr. Steinberg wanted to work out. We were going to try to allude to a monetary value, and if they said anything about green cards we were going to agree wholeheartedly with them.

Q Did you say to Mr. Moskowitz, "We will try to allude to a monetary value," those words?

A I don't remember my exact words, Mr. Gould.

Q Did you say those words, "Allude to a monetary value?"

A I don't remember my exact words, Mr. Gould.

Q Well, what do you remember about what you said? Just tell us everything you said to Moskowitz and everything he said to you, including allusions to monetary values.

A We said we were going to try to attempt to see if we can get a monetary value, a figure from Mr. Steinberg, and if they said anything about a green card, whatever they said, whatever they wanted, we would go along with them and tell them that we would see if we can get it for them.

* * *

Q Well now, you get to the restaurant. Up to now nobody's offered you any money, right?

A That's right.

Q Nobody's offered you anything.

A That's right.

* * *

* * *

Q Now, up to the moment when he told you that there was a new policy of only hiring people with green cards, and so on, nobody had offered you a thing, had they?

A No, sir.

* * *

* * *

Q Will you repeat for the jury what it was that Riese said to you about the problems that he had with these immigration raids?

A He said that the problem would be that he lost a manager and he couldn't afford to lose a manager.

Q That was his principal concern? Did he suggest to you that you do anything about it?

A Not that I recall, sir.

Q You suggested to him, did you not, what you thought you could do about it; isn't that right?

A I don't recall, sir.

Q Let me just ask you this and then we'll try to refresh your recollection a little. Is it not the fact that the suggestion as to what could be worked out with respect to Mr. Riese's problem came from you and not from Mr. Riese?

A That something could be worked out?

Q That is right.

A Yes, sir.

Q You proposed it and not he?

A Yes, sir.

Q And it was you who said that that is what you were here to talk about; isn't that right?

A Yes, sir.

Q Did anybody tell you to conduct yourself in that way, any of the supervisors, Jaffe?

A No, sir.

Q This was all your own idea?

A This is the way we were briefed.

Q This is the way you were briefed?

A Yes.

Q You were briefed to say these things?

A We were briefed to find out what the agreement was that Mr. Steinberg wanted to work out. This is just the way the conversation was carried.

Q And you remember that there came a time when Mr. Steinberg said to you that all he wanted from you was some advance notice of when there were going to be raids so he wouldn't be short of people; correct?

A Yes, sir.

Q He said to you, did he not, "I think the tip that you guys are going to give us is all that we can really ask for. The rest we are just going to have to think about, how are we going to work it out ourselves?"

Didn't Steinberg say that to you?

A I believe so.

Q And then you said to them:

"Now that is what we are here to talk about"? Can you remember when you said --

A Probably, sir.

Q And then you turned to Riese and you said, "yeah, like I saved his girl friend, you know."

Do you remember putting that in the conversation?

A Yes, sir.

* * *

* * *

A I was told to play the role of a corrupt criminal investigator.

Q Who told you to play the role of a corrupt criminal investigator?

A The FBI.

Q How about Mr. Jaffe, did he tell you to play the role of a corrupt criminal investigator?

A Not to my knowledge.

Q When did the FBI tell you to play the role of a corrupt criminal investigator?

A After we had the meeting, the meeting was set up and we were going to meet.

Q You mean after the Jaffe meeting you had another meeting with the FBI?

A The day I was wired with a recorder.

Q And somebody there said, "Play the role of a corrupt criminal investigator"?

A Yes, sir.

Q Who?

A Special Agent Charles McCormack.

Q Those were the words he used?

A He said, "Play a crooked cop."

Q What did he say, "Play a crooked cop" or "Play a corrupt criminal investigator"?

A I don't remember his exact words.

Q But that was the substance of them?

A Yes, sir.

Q That was the first time anybody ever told you what role you were to play, was it not?

A Yes.

* * *

Q And then finally you said, "What can we do for you?"

And you said, "As long as, as long as we are not hitting you, well, with green cards and all,you know, if we get caught, I am just thinking, if we run into these restaurants and all, we are going to have a problem because you never know if we are getting followed."

a.2 And then Mr. Moskowitz put in: "My name, his name, you know, this is -- I put on here it's always there."

Mr. Riese said, "Right."

Then Moskowitz says, "So there will be no doubt about it."

And Riese says, "Right."

And then you said, "Something, er, so we work something out on a monetary value where we don't get bagged going into restaurants with passes and leaving passes and being watched by one of our,you know, superiors, shoofly. You know what a shoofly is?"

Now, sir, when you said that to him, was that not the first time that there had come into your conversation from anybody that what you were interested in hearing from them was something about monetary value?

MR. IASON: Objection as to what he was

interested in hearing, your Honor.

THE COURT: Sustained.

MR. GOULD: That is not what I asked him, whether he was interested in hearing --

THE COURT: Read the question, Mr. Reporter.

[Question read.]

MR. GOULD: First time money is mentioned. Shall I put it that way?

THE COURT: All right.

Q Isn't this the first time money is mentioned?

A No.

Q When was it mentioned before?

A When you said that I said $300,000 investment.

Q But that was just a description of what you thought your career was worth, was it not?

A Yes, sir.

Q This is the first time that anybody in these conversations asks anybody for money, anybody else for money, isn't that correct?

A That's right, sir.

Q And it came from you?

A That's right.

Q It did not come from Mr. Steinberg, did it?

A No, sir.

Q It did not come from Riese?

A No, sir.

Q You injected it into the conversation?

A Yes, sir.

Q I would like to inquire, sir, whether anybody had instructed you at any time to inject into the conversation that you wanted money?

A I don't recall if I was instructed to say that or not, sir.

Q You mean you are not sure that you were not -- is there a doubt in your mind about it?

A Yes, there is.

* * *

* * *

Q When you made this report to your superiors you didn't tell them that you had said to Steinberg that this was a legal procedure, did you?

A That it was a legal procedure? I don't recall, sir.

Q You didn't have it in the report, did you?

THE COURT: Well, the report is in evidence.

MR. GOULD: I understand.

THE COURT: All right, let's go on.

Q Did you say one word to anybody about having told this young man that this was a legal procedure?

A All my superiors knew what I was doing, sir.

Q Did any one of your superiors know from your lips that you had told Mr. Steinberg that it was legal?

A I assume so, yes, sir.

Q Who heard you say it was legal?

A Sir, I spoke to many supervisors. I don't know which one.

Q How many?

MR. IASON: He interrupted the witness before he could finish his answer. Objection.

THE COURT: All right, which answer is it that he didn't finish?

MR. IASON: The last one.

MR. GOULD: He said, "I spoke to many supervisors," and his voice dropped. I made the normal human assumption that he was finished.

THE COURT: What is it that you want to say further?

THE WITNESS: I said many supervisors, the FBI, the agent in charge of the case plus an Assistant United States Attorney. I probably told all of them. Maybe I told none of them.

THE COURT: Are you finished now?

THE WITNESS: Yes.

* * *

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whether you could say to people that what you were doing was a legal procedure?

A I was permitted to say whatever I wanted because I was acting out the role of a corrupt police

officer -- corrupt criminal investigator.

Q Who told you --

MR. IASON: Your Honor, excuse me, he is interrupting the witness.

THE COURT: What is it you want to say?

THE WITNESS: I said police officer. I meant to say criminal investigator. I'm sorry, your Honor.

THE COURT: Have you finished?

THE WITNESS: Yes, your Honor.

THE COURT: Go ahead.

MR. IASON: Your Honor, if I may, the problem is that I can't hear the end of the answer because Mr. Gould's next question is overriding it. That is my only problem. I can't hear it.

THE COURT: Do you want to move up closer? Do you want to pull your chair closer?

MR. IASON: It is not the distance. It is the interference.

MR. GOULD: I will curb my usual enthusiasm.

THE COURT: Let's make progress here now. Let's go on.

MR. GOULD: I am doing my best.

Q Did anybody ever say that you, because you were playing the role of a crooked copy, could say

anything you wanted?

A Yes, sir.

Q Who told you that?

A This is what I was told.

Q Who told it to you?

A The FBI said I could do as I pleased.

Q Who told it to you in the FBI, the name of the man who said you can say anything you want as long as you are playing this role?

A I believe it was Special Agent McCormack.

Q And what did he say to you exactly on that point?

A Due to the fact that I was playing the role of a corrupt officer, I was to go along with whatever the defendants wanted, Mr. Steinberg and Mr. Riese. Whatever they said I was to just play along with their game, so they gave me a free rein to say whatever I had to say.

* * *

* * *

Q Let's go back to this telephone conversation on May 21st. You told Mr. Steinberg that you had tried to reach him at home earlier, correct?

A Yes, sir.

Q And you had, in fact, tried to reach him at home earlier?

A Yes, sir.

Q And then you told him that you were going to work it out on two separate, two different forms, right?

A I believe so, sir.

Q Well, that is what you said to him, was it not?

A I don't recall the exact words.

Q Did you not say to him, "Okay, listen now, I'm gonna work it out in two different forms, on two different forms?"

A I believe I said that, sir.

Q You said, " 'Cause it'll be a little quicker," right?

A Possibly so, yes.

Q And that was another lie, of course, wasn't it?

A Oh, yes, sir.

Q You said it "won't be so prolonged then," correct?

A Yes, sir.

Q "which you and Riese will sponsor them, right?" You said that to him?

A Yes, sir.

Q Up to that point had anybody suggested that Riese should sponsor anybody?

A Not that I recall, sir, no.

Q Actually, this is the first time that this suggestion was made that Mr. Riese should perform any act in this transaction, is it not, so far as you remember it?

A Yes, sir.

Q And it came from you when you said, "You and Riese will sponsor them, right?" Is that right?

A Yes, sir.

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Q You never heard Riese say he was going to sponsor them up to this point?

A No, that's right, sir.

Q In fact, you never heard Riese say he was going

to sponsor anyone?

A That's right, sir.

Q And then you told him:

"I can't get five, five off of one guy signing them because, you know, they go on to a different floor. They're gonna be reviewed. I'm gonna put a rush on 'em and get 'em back."

That was a lie, was it not?

A That's right, sir.

Q And you wanted somebody other than Steinberg to sponsor these, isn't that right?

A Yes, sir.

Q You wanted Riese to sponsor them?

A Those were my instructions, yes.

Q Who instructed you to get Riese to sponsor them?

A The FBI.

Q Who in the FBI said, "Get Riese to sponsor some of them"?

A They said they needed more evidence on Riese so they asked for us to see if he would sign the forms like they said he was goin. to do so I continued to use his name.

Q They said to you. Who is they? Who is they who said that to you?

A Special Agent McCormack.

Q Now, before this meeting on May 22nd, do I understand you had a meeting with Special Agent McCormack and he said to you:

"We need more evidence onRiese, see if you can get him to sign one."

Is that what you are telling us?

A Yes, sir.

Q And was Moskowitz there when he said that to you?

A I believe so, yes, sir.

Q And is that why you were asking Steinberg to get Riese to sign something?

A Not only for that reason, sir.

Q What other reason?

A He was the only other man we spoke to that was a supervisor in Brew Burger other than Mr. Bravo who said nothing when we met him.

* * *

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Q Now, you said they. Anybody other than Agent McCormack tell you:

"Get Riese to sign some application"?

A He was assisted by Special Agent Sibley.

Q Sibley?

A That's right.

Q Did you hear Sibley say, "See if you can get Riese to sign some application"?

A I don't remember the exact content of the conversation.

Q Well, the substance.

Did Sibley say anything that even sounded like:

"See if you can get Riese to sign some applica-

tion?"

A We spoke about this investigation, yes, we did.

Q And they said, "We don't have enough evidence on Riese," isn't that right?

A To that effect, yes.

* * *

* * *

Q I see. But up until May 27 he had never mentioned Dennis having anything to do with the forms, did he?

A Not that I can recall, no, sir.

Q You had mentioned it, had you not?

A Yes, sir.

Q And then we have it that on June 3rd you called Steinberg again, correct?

A Yes, sir.

Q And it is there for the first time, is it not, that Steinberg tells you that Dennis will sign forms for two people, isn't that correct?

A I don't recall, sir.

Q Well, sir, you say:

"JV: You got all the forms filled out?

"STEINBERG: Except for the labor certs which I'm gonna do now 'cause I didn't really need the people to do the labor certs. That's mine, right?"

You say, "Yeah."

And then he says, "And Dennis will sign and we decided not to do any cashiers or anybody that we thought would be a problem."

Now, that's the first time, isn't it, that anyone tells you that Dennis is going to sign anything?

A I believe so, isr.

* * *

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Q To the best of your knowledge, is it illegal for an employer to fill out a labor certification?

A No.

Q In fact, it is done every day, isn't it?

MR. IASON: Objection.

THE COURT: I will permit it.

A I would say yes.

Q Isn't it true that many aliens come into this country because there are jobs waiting for them and employers are willing to sponsor them?

MR. IASON: Objection.

THE COURT: I will permit it.

A Yes.

Q And it is a regular practice, isn't it?

A Yes.

* * *

* * *

Q You were completely on your own, you and Volpe?

A More or less, yes.

Q Didn't there come a time when someone told you to get more evidence on Riese?

A I believe so.

Q Who told you that?

A I don't remember.

Q When did they tell you?

A I don't remember.

Q You have absolutely no recollection of anyone telling you that?

A I have recollection of someone telling me that,

but not when and who.

Q When that person told you to get more evidence on Riese, did that person tell you why they wanted more evidence on Riese?

* * *

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Q At the time you gave the $1,000 to these men, how much were you being paid at the Brew Burger?

MR. GOULD: Objection.

MRS. BARLOW: Objection.

THE COURT: What is the objection?

MR. GOULD: What is the relevance?

THE COURT: You mean what his salary was? What is the relevance of that?

MR. IASON: May I discuss it at the side bar?

THE COURT: Yes.

[At the side bar:]

MR. IASON: Your Honor, the salary that Mr. Vongchan was making the Government thinks is entirely relevant. It is relevant to show that these people were not being very highly paid and that that was part of the motivation that the defendants had to enable these illegal aliens to continue working at the Brew Burger restaurants, and so the amount of money that they were being paid is highly relevant as to the motivation of the

defendants to enable these illegal aliens to continue to work there. I don't think there was any question about relevance.

MR. GOULD: I think the explanation demonstrates that it is prejudicial and designed to elicit evidence that is prejudicial. First of all, there is no indication that the two defendants were trying to get any part of this money from these people. What difference does it make what they were getting there? If he wants to turn this into a case where they were economically motivated, then he better put on some better proof to show that. That isn't in this case at all. It is a way of injecting it into the case.

THE COURT: In order to make it relevant wouldn't I have to take evidence as to what the wage standards were --

MR. GOULD: That is right.

THE COURT: -- in New York restaurants, what the wages were in New York restaurants and in Brew Burger restaurants to show that Brew Burger was underpaying, or are you going to introduce evidence that other restaurants were paying higher wages?

MR. IASON: No, your Honor. There are two questions that I want to ask, how much was he being paid

and how many hours a week was he working, and --

THE COURT: You are going to argue that this was a sweat shop?

MR. IASON: No,your Honor, I'm not going to argue that this was a sweat shop. I think it is a relevant factor.

THE COURT: I don't think so. I think it is absolutely frivolous. Sustained.

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Q Are you a member of the union?

A Yes, sir.

Q Were you a member of a union during the time you were working at the Riese organization?

A Yes.

Q All the time?

A Yes, sir.

Q When you were arrested you were a member of a union?

A When I got arrested, right, and I didn't work for three months, and since I come back to work, I had to contact the union and have to pay them union dues, you know, since --

Q Yes, but before that you had been a member of the union?

A Yes.

* * *

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Q How many hours a week did you work?

MR. GOULD: I object to that, your Honor. I think this is in line with what we discussed at the side bar conference, and I think counsel is trying to do indirectly what your Honor has already told him not to do.

THE COURT: Well, I will permit this.

How many hours did you work a week?

THE WITNESS: 72 hours a week.

Q How much were you paid, sir?

MR. GOULD: I object to that.

THE COURT: Of course. Sustained. Totally irrelevant. It has nothing to do with anything we are trying here.

Q Were you a member of the union?

A No.

Q Are you now a member of the union?

A No.

* * *

Q Can you tell me, do you know how many hours a week Mr. Steinberg works?

MR. IASON: Objection.

THE COURT: Yes, I don't see that that has any bearing.

MRS. BARLOW: Your Honor, may we approach the side bar?

THE COURT: All right.

(At the side bar.)

MRS.BARLOW: Your Honor, on direct examination Mr. Iason brought out the fact that Mr. Ansari works about 72 hours a week and I think it is relevant to show that Mr. Steinberg was working approximately the same amount of time if not more because if I don't it leaves in the minds of the jury the idea that here is a man who is working many, many, many more hours than the normal work week and I think it is very important to show that Mr. Steinberg was working approximately the same amount of time.

THE COURT: What was the relevance of the 72

hours, Mr. Iason, that this witness worked?

MR. IASON: Your Honor, the Government had hoped to elicit that this witness was working 72 hours and being paid only about $200 a week in order to show one part of the motivation for the defendants to try to get the green card for him and how many hours Mr. Steinberg was working, first of all, is -- I question whether this is the witness who would be a proper witness to testify to that; he couldn't really know how many hours Steinberg worked. He could only know by hearsay.

Secondly, it is not relevant how many hours Steinberg was working. It has --

THE COURT: No, then if the 72 hours is relevant this is relevant.

MR. IASON: Your Honor, can we have the witness instructed to answer only if he knows of his own personal knowledge, not if he knows from hearsay?

THE COURT: No, I will permit you to cross examine.

MRS. BARLOW: That is what I was going to say. Your Honor, I will withdraw the question if we strike from the record the statement with regard to Mr. Ansari's testimony about the 72 hours, and that the jury is directed to disregard that.

THE COURT: Well, which do you want to do?

MR. IASON: I don't want to see that testimony stricken.

THE COURT: All right, then, I will permit you to go ahead.

MRS. BARLOW: Thank you.

(In open Court.)

Q Mr. Ansari, do you know how many hours a week Fred Steinberg works?

A I don't know exactly, but so far as I have heard, same hours or maybe more, being more responsible person.

Q Same hours as you or more than you work, is that correct?

A Yes.

Q Now, Mr. Ansari, do you know whether the other managers are members of the union?

A No.

Q You don't know?

A No.

* * *

* * *

Q While you were a dishwasher working for Brew Burger were you a member of the union?

A Yes, sir.

Q While you were a training cook and while you were a cook working for Brew & Burger were you a member of the union?

A Yes, sir.

Q But when you were a manager you were not a member of the union?

A No, sir.

Q When did you become a manager?

A In late 1974.

* * *

Q When did that conversation with Mr. Riese occur; do you know which month?

A I think it is March or April of 1975.

Q Where did it occur, sir?

A In the Brew Burger.

Q The one where you were working at 53 and Seventh Avenue?

A Yes.

Q Was anyone present besides you and Mr. Riese?

A No, sir.

Q To the best of your recollection what did you say and what did Mr. Riese say?

A Mr. Dennis Riese asked me "If you can invest, spare $1,000."

Q Excuse me. I cannot hear you or understand you. Will you slow down and speak more loudly?

A Yes. Mr. Dennis said to me that "If you can spare $1,000," then he can get me a green card because he has friends in the Immigration office. They are coming in and that we are talking.

Q Because he has friends in the Immigration office?

A Yes.

Q What did you say after that?

A And we are talking to them.

Q Who was talking with whom? Who was talking?

A I mean to say they both, with the Immigration officer.

Q Is this what Mr. Riese told you?

A Yes.

Q He told you that he was talking with someone?

A Yes.

Q Whom did he say he was talking with?

* * *

* * *

A Mr. Dennis said that if I can spare $1,000 that he had friends and he is talking with the Immigration officers that he can get me a green card, so I said, "Yes, I can spare $1,000."

So he said that anyway he don't want to do it, but he will do it because he want to help me.

Q Did he say whether this was right?

A Yes, he said that is not right. Yes, he said something like that.

* * *

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Q Do you know whether any assistant managers are members of the union?

A No, I don't think so.

Q By the way, do you know about how many hours Mr. Steinberg works a week?

* * *

* * *

MR. IASON: May the Court please, Mrs. Barlow, Mr. Gould, Mr. Velie, Mr. Grimes, Mrs. Warren, ladies and gentlemen of the jury:

The defendants Fred Steinberg and Dennis Riese have been charged with conspiring to bribe Immigration officers John Volpe and Joel Moskowitz. They have been charged with bribing Volpe and Moskowitz and with aiding and causing Vongchan, Avinash Vashisht, Boonamnuaysuk, Ansari and Pirina to bribe Volpe and Moskowitz.

The Government submits that the evidence presented to you over the past week has established beyond a reasonable doubt that Steinberg and Riese are guilty as charged.

The evidence, as the Government views it, is clear on the most critical point in this case, that bribes were paid, that bribes were paid at the conclusion of the series of events that took place over almost three months, in the Spring of 1975.

It is also clear that Steinberg and Riese played the central role in these events. Steinberg started the whole chain of events by asking Volpe and Moskowitz on three separate occasions whether they could work something out.

Steinberg kept everything going. He met with Volpe and Moskowitz nine times. He met with the aliens and he sought their active participation in this scheme.

Riese, too, was actively involved. He tried to keep his visibility down, but he plays a key role in the meetings on May 6th and May 22nd, and he sought out Vongchan and Vashisht.

Mr. Riese spent four hours with Steinberg going over the forms.

If this is so clear, you might ask what have we been doing for the last week and what is there left for you to decide?

Well, as the defendants told you in their opening statements and it has become apparent through the cross-

examination of the Government witnesses, the defendants say that they did not want to become a party to these bribes. They claim that they were trapped into participating in this scheme.

The Government submits that this is ridiculous. The Government submits that the evidence has established that the defendants were willing and anxious to bribe Volpe and Moskowitz.

This evidence begins with March 19th when Steinberg came running up to Volpe and asking him whether they could work something out. This evidence is shown again on March 31st and on April 29th.

The tape of the May 6th meeting, however, is probably the key to this case, especially as the defendant Riese is concerned.

Riese will tell you that the tape shows his reluctance to bribe Volpe and Moskowitz. We submit that the tape shows Riese and Steinberg both wanted very much to bribe Volpe and Moskowitz and to work something out with these officers. They just wanted it done. Riese and Steinberg just wanted it done at the least cost to themselves and at the least risk. That is all they were reluctant to do was have expense to themselves personally and to run any risk. That is the only reluctance there

is in this case, and even that is minimal.

But Steinberg and Riese did want to work something out. They were very clear about that. Just as Mr. Steinberg has expressed it on the three occasions prior to this meeting on May 6th.

By May 14th Steinberg and Riese had found a way. They had made up a scheme to work something out so that the money would not come from their pockets and so that there would be the least possible risk. They would have the aliens between themselves and the Immigration officers; it would be the aliens who paid out the money. This was the scheme that they had devised.

You can see it being devised on May 6th when Dennis Riese first proposes the use of the green cards, first talks about Avinash would have to pay $1,000 to his lawyer to get a green card, but would be willing to pay $500 to an Immigration officer; talks about the point that Steinberg has there, of the risk that they are running.

This is the one where they begin to formulate the scheme and you can see that it is fully formulated by the meeting on May 14th.

After May 14th, Steinberg and Riese carry this plan into action. Starting this time most of the

details, though, are carried out by Steinberg, while his boss, Riese, stands off at a distance. Riese appears at some important times, and he recruits two of the aliens, and he shows up at the fake raid on May 22nd.

I want to go over all the facts with you now in some detail. As you all know, on March 19th Volpe first went to a Brew Burger restaurant to investigate whether illegal aliens were working there.

Mr. Volpe told you that was his job, to investigate whether there were illegal aliens living or working someplace.

So he went to the Brew Burger restaurant on March 19th, and Volpe and the other Immigration officers that evening arrested five or six illegal aliens, but before they left, Fred Steinberg came running up to Mr. Volpe and asked whether they could work something out.

Steinberg asked Volpe to take only two or three of the employees rather than the five or six who had been arrested.

Volpe told Steinberg he had to arrest every one.

Again, Steinberg said, "Can't we work something out?"

Steinberg said he wanted advance notice when the Immigration officers were going to Brew Burgers so that

he could shift his help around.

That evening Mr. Volpe told a supervisor, Mr. Coffee, that Steinberg had asked to work something out.

The following day Volpe reported to a higher supervisor, James Rowland. Finally they went to see still a higher supervisor, Francis Johnson, who asked Volpe to investigate further.

As you may recall, Volpe went back to a Brew Burger on March 31st and this time Joel Moskowitz went with him. Again, during the investigation Steinberg came in and asked whether they could work something out. He asked Volpe and Moskowitz to leave some of his help, said he could vouch for any employees who were left behind.

Volpe asked Steinberg how he arrived so quickly.

Steinberg said the Lindsay administration and the police were bought so he could park outside any Brew Burger just by putting a sign in his window that said Brew Burger supervisor.

When Steinberg asked whether they could work something out, Moskowitz said that if Steinberg said anything like that again he would arrest him, Steinberg would be in big trouble.

How do we know this happened and that Volpe and Moskowitz didn't make it all since the meetings on March

18th and March 31st aren't on tape?

First of all, ask yourselves why Volpe and Moskowitz would make up this incident. What possible motivation would they have to make it up? Did they look to you, when you heard them testify -- you saw them on the stand -- did they look to you as if they were making up these incidents on March 19th and on March 31st?

But you also have other evidence that those incidents on March 19th and March 31st happened, it happened the way Volpe and Moskowitz told you about it.

These incidents were confirmed on the May 6th tape. The one thing Mr. Steinberg says to Mr. Volpe and Moskowitz, "I used to fly when I heard you guys were in the store. How many times did I meet you?"

And then apparently Mr. Riese knew about it, too, because he says, "If we knew that you were coming, there are certain people out there we really don't mind losing out on."

And then Volpe says, "Yeah, I can understand, certainly. Well, let's see, Fred was saying that, you know, the last time we saw him, he said, listen, if you can give me an advance notice, tell me what's happening, you know."

And Mr. Riese says, "Then we could set it up

for you to look good. Take some people out."

And Mr. Riese says -- this is all at the beginning of the conversation, on Page 8 of the transcript, and Mr. Volpe reminded Mr. Steinberg and Mr. Riese, said to Mr. Steinberg, "Like you were saying with your car, you park it anywhere, you know, you got the P. D. on your side, right, you talked about Lindsay and all that fine, I don't even want to know about it, that's your gig."

This is on May 6th, on the tape.

Mr. Volpe is reminding Mr. Steinber that in the early meetings he talked about Lindsay.

And also on this May 6th tape Mr. Volpe reminds him and says, "Even before, when you said let's work something out, him and I knew each other, I mean we go out socially and all, but still jobwise we had to feel each other out."

Mr. Moskowitz said, "Just remember the first time I met you how I came off of you, you know, things happened, you know," Mr. Moskowitz he is referring to when he said, "If you say that to me again you will be in big trouble."

And Mr. Steinberg replies, "Yeah, right, I say, I think I said I gave you both the same thing at separate times, I said to you, how's about we make some deal and

you, no deals."

The events on March 31st and March 19th happened just as Mr. Volpe and Mr. Moskowitz said they did and they are confirmed and corroborated by the conversation on May 6th, and you can hear it on tape.

We also know that on the night of March 31st Mr. Volpe wrote a memo about what Steinberg had said to him, and this memo was placed in evidence as Defendant Riese Exhibit A.

In this memo Mr. Volpe wrote, "Fred also suggested that he could work something out if the undersigned would be willing to call him prior to any Brew and Burger investigation and advise him as to which location would be investigated. That way he could have American help shifted to the location under investigation. In addition, he would advise the aliens who know themselves to be illegal in the United States to run. He added that our investigations are hurting their production."

This is Mr. Volpe's memorandum written March 31st, Defendant Riese Exhibit A, and in the last paragraph of that memorandum Mr. Volpe wrote: "Fred also stated that his company 'had the Lindsay administration bought' and that 'The police are paid not to ticket his car when parked by any Brew and Burger as long as there is a sign

in the window stating that the vehicle belongs to the night supervisor of Brew and Burger.'"

Corroboration, the Government submits, that the incidents of March 19th and March 31st happened just as Mr. Volpe and Mr. Moskowitz described them for you when they testified here.

And here it was, in this memorandum of March, of the incident on March 31st, Mr. Volpe saying, writing, rather, that Mr. Steinberg had told him he would advise the aliens who know themselves to be illegal in the United States to run. Clearly asking for Mr. Volpe and Mr. Moskowitz to do something illegal, improper.

It is their job to arrest these illegal aliens and here on March 31st is Mr. Steinberg telling Mr. Volpe and Mr. Moskowitz that he wants to work it out so that the illegal aliens can run.

After March 31st, Volpe and Moskowitz next went to a Brew Burger on April 29th. That night Volpe spoke to Steinberg on the telephone. Again Steinberg asked whether they could work something out.

Ladies and gentlemen, whose idea was this, this working something out? Steinberg, three times now, Steinberg has come to Volpe and Moskowitz, even after they have put him off, even after they have put him off,

three times Steinberg is telling them, "Can't we work something out?"

Do you have any question, ladies and gentlemen, that Fred Steinberg was trying to bribe Volpe and Moskowitz? Can you have any question about what he meant when he told Volpe and Moskowitz that the LIndsay administration and the police were paid off? He clearly was suggesting that he wanted to pay off the Immigration officers, to

After April 29th, Volpe and Moskowitz met with the FBI agents, and then with an Assistant United States Attorney Joseph Jaffe.

Folowing these meetings, Volpe and Moskowitz began an investigation, an investigation that led to this trial.

The defendants would have you believe that during that investigation Volpe and Moskowitz created the crimes Steinberg and Riese are charged with. It is ridiculous.

All Volpe and Moskowitz did is what any good investigator did; they assembled the evidence to support the charges, the investigation that they were involved with. They assembled evidence of a crime that was being committed by Steinberg and Riese.

They didn't create a crime. They didn't fabricate the evidence. They simply assembled the evidence to substantiate what had already happened, a crime that was already occurring.

Is there any other way to investigate bribe and to pretend to be a corrupt on the take? Of course not. Of course not, because there is no other way. You cannot have any --

MR. GOULD: I object to that, your Honor. There is no evidence to support that statement. That is not argument, that there is no other technique for investigating crimes.

MR. IASON: I will go along, your Honor.

THE COURT: I beg your pardon?

MR. IASON: I will move along if I may.

THE COURT: All right, go ahead.

MR. IASON: Now, the defendants would have you believe that Volpe and Moskowitz were told by Jaffe and by the FBI agents to make a case against Steinberg and Riese.

There is no evidence of that. That is not what Volpe and Moskowitz said. That is not what the evidence before you shows.

The evidence shows, first of all, that there

were three attempts made by Steinberg to work something out and telling Volpe and Moskowitz about how they worked something out with the Lindsay administration, so this wasn't Jaffe's idea; this wasn't anything suggested by the FBI agents. This is what Mr. Steinberg had suggested.

Now, defendant Riese also placed in evidence the memo that the FBI agents prepared after talking with Mr. Jaffe.

I would like to read this memorandum to you.

It says: "On May 2, 1975, Assistant United States Attorney Joseph Jaffe, Southern District of New York, was advised of the facts of this case. AUSA Jaffe stated that if a meeting could be set up between Volpe and Steinberg and their recorded conversation would corroborate an actual bribe he would consider prosecution under Title 18, United States Code, Section 201."

All Mr. Jaffe was saying, according to this memo placed in evidence by the defendant Riese, is that if there was corroboration of a bribe, he would consider prosecution.

Does that show -- is that any evidence that there was any attempt to try to entrap these men into commiting a crime that they were doing?

After the meeting with Jaffe and the FBI, Volpe and Moskowitz go back to a Brew Burger on May 6th. This time Steinberg is joined by Riese. He tells the officers that he knows about Steinberg's earlier conversations with the Immigration officers. For instance, when Riese is asking for pass for Avinash Vashisht, Volpe says, "He'll

tell you I gave his chick a pass. It's golden."

And Riese says, "I know."

He knows about the pass given to Phanvika Tansuttivanich, Mr. Steinberg's girl friend, because Mr. Steinberg has told Mr. Riese about the earlier meetings with the agents.

And when Mr. Volpe mentioned to Mr. Riese, "Yeah, we have been getting in touch with him on the phone once," referring to Mr. Steinberg, Mr. Riese says, "Once Fred called me and said the fellows from Immigration are there."

Mr. Riese had been kept informed by Mr. Steinberg of Mr. Steinberg's conversations with the Immigration officers.

During this meeting on May 6th, Steinberg and Riese make it very clear that they wanted to know just how they can work it out with Volpe and Moskowitz.

Steinberg says. "You know, we can even do it like if you hit a store and I come there," Moskowitz just says, "Um," and Steinberg says, "We could sort of have a caucus so that the people on the floor think we're working something out, and I'll tell you which ones to take and which ones to leave."

And Steinberg says, "I'll also give you Mexican

dishwashers."

Steinberg asked, "What would be the best way for us to do it? Would you want to do it that way?"

And then he says again, "So what would be the best way for us to do this? Walk into a store, call me and I come there?"

Moskowitz says, "No, no, no. We call you an hour, hour and a half tops, an hour and a half," and Riese says -- Riese interjects now, "I'm not going to step on nobody's toes."

This is Mr. Riese. "But would it be better if you give him a call around 4:00 in the afternoon, I mean, could we do that? Tell you why."

And Riese says again, "I'll tell you why, you called him at 8:00," Mr. Riese says, "Well, he already's got a certain amount of cooks around at night and, you know, he has got to transfer one guy there to get caught. The guy's gonna know."

So here it is Mr. Riese on May 6th taking an active role in how they are going to work it out and Mr. Riese showing right away his concern that the guy is going to know, they are going to get caught, they have got to do this in the best way possible, they need more time in advance.

And again Mr. Riese comes back to the same point about how they can get caught and he tells them, "I'm concerned. You made a good point. These people (these cooks and waiters and dishwashers and managers) these people are not stupid kids," Mr. Riese says. "They're very intelligent. They have gone to college in Thailand. They're going to pick up on the fact that we're setting them up," Mr. Riese says. "Then we're going to have a riot on our hands."

Mr. Riese isn't concerned about whether this is right, this is proper, this is legal. He is concerned because "We are going to have a riot on our hands if these people figure out what's going on."

And then Mr. Riese and Mr. Steinberg explain the importance to them of having the information well in advance, knowing well beforehand which stores Volpe and Moskowitz and the other Immigration officers are going to go to because otherwise M . Riese -- and this is Mr. Riese again saying, "It still leaves us without a cook or something like that."

And Mr. Moskowitz says, "You've got to make sure your cook is good, your cook and your cashier have to be good because they're your key people, right?"

Mr. Riese says, "Absolutely."

Mr. Steinberg again, "We can work it out because if we know what store they're going to hit we immediately put two green cards and cashier downstairs. This is the reason we have to have advance information so that we can have the legal aliens downstairs, ready to come up if you arrest the illegal aliens. Please let us know in advance."

Mr. Steinberg then says, "I think the tip that you guys are going to give us is all we can really ask for. The rest we are just going to have to think about, how we are going to work it out ourselves."

Mr. Riese says, "Yeah. Well, we understand that."

Mr. Steinberg: "We understand."

And they are just trying to figure out the best way that they can do this, Mr. Riese and Mr. Steinberg, so that they can get the information they need, so that they can have the legal aliens or American help ready to replace the illegal aliens who are arrested, so they can move out their important illegal aliens whom they don't want to have arrested, trying to figure out a way they can work this out so they won't get caught.

Now, at the beginning of this conversation on May 6th Mr. Riese made it clear that his principal concern is keeping his managers.

Mr. Riese says, "You know, another thing I would

like to say is one thing I can't afford to lose, it's managers, lose a manager."

We see this concern about losing managers later on and, as you may recall, the five people Steinberg and Riese recruit to buy green cards, only one, Mr. Vongchan, is not a manager. The other four are all managers.

And Riese even tells this one -- Riese even tells Mr. Vongchan that, "Of the six we are helping," Mr. Riese says, "you're the only one, Chay, who's not a manager. You are the only one." He's a cook.

This is later on, when Mr. Riese is recruiting Mr. Vongchan for this, that he tells him that he is the only one who is not a manager.

Steinberg explains to Volpe and Moskowitz that one of their problems is that they pay so little, that they have trouble getting American help.

Mr. Moskowitz had said, "Well,who wants to work for $1.75 or whatever it is."

Mr. Steinberg replies, "And right, the tips are like $15 at lunch time. Somebody from a foreign country, where their currency is worth less, they are making a lot of money, but for an American, you can't live on $60 a week."

And there, ladies and gentlemen, is one of the

keys to the case; Mr. Steinberg explained to Moskowitz they have to hire these illegal aliens because it's inexpensive labor, they're the only ones who are willing to work for this amount of money.

MRS. BARLOW: Objection, your Honor. There is no evidence to that effect. I ask that that be stricken.

THE COURT: Well, do you say there is evidence?

MR. IASON: Your Honor, I will read the portion of the transcript again and give the page number.

THE COURT: All right. Mrs. Barlow, you say there is no evidence. Mr. Iason says there is. I can't remember it. It is the jury's recollection which controls. I will permit you to make the argument when it comes your time.

All right.

MR. IASON: Ladies and gentlemen, reading from the transcript, page 25 of the meeting on May 6th, Mr. Steinberg saying: "And right, the tips are like $15 at lunch time. Somebody from a foreign country, where their currency is worth less, they are making a lot of money, but for an American, you can't live on $60 a week."

Ladies and gentlemen, it is Dennis Riese who first mentions green cards and it is clear that no one pushed him into mentioning green cards. The first reference

comes up at page 29, I believe. Dennis Riese says, "Let me ask you a question while we are talking about this. Is there any way you guys can help me with one person getting a green card?"

Mr. Moskowitz asked, "Thai?"

Mr. Riese said, "No, he is Indian."

And Mr. Riese tells him he is a manager, he is top manager. That is Mr. Vashisht, the same man, the man from India, for whom, in that same conversation on May 6th, Mr. Riese asked for a pass for Avinash Vashisht.

Right away Mr. Riese is bringing it up. He wants a green card for this man. Why? He tells you. He says he wants it because he is a top manager. He is a top manager.

These are the people who make Riese's job and Steinberg's job go better, these top managers.

Now, right after Riese asks for this green card for Vashisht, he offers Volpe and Moskowitz free meals, and basketball and hockey tickets, and he says, Moskowitz says, "That's the whole thing, the managers, there are so many of everything unemployed."

Riese says, "You ought to have some dinner on us a couple of times, you know, we can do the same hook."

And Riese says, "I don't know if you guys like

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basketball or hockey tickets, we can get a lot of them. I mean stuff like that. I give them out to all my friends."

Yes, Mr. Riese gives out basketball tickets, hockey tickets, passes to all the restaurants for all his friends, and Mr. Volpe and Mr. Moskowitz are great friends, aren't they? They have never met Riese before this date. This is May 6th, the first time Riese meets Volpe and Moskowitz, he is going to give them all these tickets and meals because they are his friends. People he has never met before.

Why are they his friends, because they are going to do something for him, make his job easier, make it easier for him to employ the cheap, illegal aliens as help.

MR. GOULD: I object to that, your Honor. There is no proof that any of these aliens are getting less than scale or that they are illegal.

THE COURT: Yes, and I don't chink that it is relevant to any of the charges in the indictment whether the aliens were here legally or illegally.

MR. GOULD: I say it is an unfair and prejudicial argument.

THE COURT: I have indicated before that I would instruct the jury that it is irrelevant whether they were

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illegally here or legally here.

MR. IASON: Excuse me, your Honor.

THE COURT: If there is evidence that they were here illegally, I think you could make the argument.

MR. IASON: Yes, your Honor.

THE COURT: It has a bearing on the intent and motivation of the defendants.

MR. IASON: I think that the aliens so testified, your Honor, but I will proceed and not --

THE COURT: But as to whether the offense was committed, it is irrelevant as a matter of law whether they were here legally or illegally.

All right.

MR. IASON: Yes, your Honor.

It should be clear to you ladies and gentlemen, that during this May 6th meeting it is Riese and not Steinberg who is doing most of the talking, Riese who is coming up with the ideas, Riese who keeps referring to people like Vashisht and PJ, Phairoj Boonamnuaysuk. Remember, he told you, Boonamnuaysuk, that his name, his nickname was PJ, and Riese first brings him up.

Sure, it's Steinberg who later actually recruits him, actually talks with him, but who is the one who first mentions PJ, talks about how much we need him? It is Mr.

Riese.

He says, Mr. Riese says, "You should find out, and this guy PJ," and then Mr. Riese says, in that same conversation, "Well, then, there are three stores we should tell them not to hit, and it's better off for us to get PJ out of the store," Mr. Riese says.

Then Mr. Riese goes back again to Vashisht asking for a pass, if he can't get a green card.

We know that Mr. Riese has already said that he knows Mr. Volpe and Mr. Moskowitz gave Mr. Steinberg a pass for Mr. Steinberg's girl friend, so now he says, "I would like to get a pass for Avinash. This is the guy I would like to get a green card for."

That is Mr. Riese.

And again, he brings it up a little while later: "If we are going to take one pass, we'll take it for Avinash."

And Mr. Riese asked, "How long does a pass last?"

And Mr. Moskowitz says, "Unlimited. We'll make it unlimited like his."

Mr. Steinberg then brings it up, he says, "So could you give us a pass for that manager?"

And then Mr. Moskowitz asked them to spell the name so he could give them that pass, and it's Mr. Riese

who spells out the name, "V-a-s-h-i-s-h-t," and Avinash, "A-v-a-n-i-c-h."

And Mr. Riese tells them at the man is Indian.

Now, two-thirds of the way through the conversation Mr. Volpe says, "These things, these things here that we're doing, the green card and all, they're going to be beneficial to you guys, they got to turn around and be beneficial to us, too, somehow, all right?"

Mr. Riese: "Yeah."

Mr. Steinberg: "Sure."

Mr. Steinberg says, "How about if I gave you a pass to any Brew & Burger to begin with, I mean, I don't know what else we could do. You guys don't want that? How about one of the larger restaurants?"

This is not the first free meals that are offered. Remember, if you will, that Mr. Riese had mentioned the free passes and the basketball and hockey tickets right after he had mentioned the green card for Avinash, but here Steinberg picking up on the free meals.

So Mr. Steinberg says, asked Mr. Volpe and Mr. Moskowitz: "So how can we work it out?"

And he tells them, "We're willing to do anything."

Mr. Riese says, "Look, you know there's nothing wrong with Brew Burgers. If I have a friend of mine that

I want to feed nobody's going to stop me."

That's right, Mr. Riese is telling them, "You're our friends. Never met you before, but you're going to help us out so you're our friends."

Well, Mr. Moskowitz and Mr. Volpe say no, they can't do that, so Mr. Riese, he is pressuring them now, it is Mr. Riese who is applying the pressure, and he says, "How about if you just have one store that you can go into?" Suggesting that that way they wouldn't be caught, that way there'll be no problems with the shooflies, as Mr. Volpe refers to them.

That's still a problem, so Mr. Steinberg says: "What if we send you to a place like Luchow's?"

He tells them it's impossible, "We can't do passes," Mr. Volpe says. "It's an impossible thing."

Mr. Riese says, "How about if we go to just one store where there's two people working there. You can only go there before 8:00, before 7:30, say, for dinner."

Steinberg and Riese keep bringing up these free passes, free meals.

Volpe says, "We can't. We can't. We work nights. It's impossible for us to go for dinner."

Mr. Riese says, "You're allowed. You're allowed to have a half hour break for dinner, aren't you?"

And Volpe says, "No, not really, not as the honchos, it's hard, you know, we get them," and Mr. Riese says, "Tops are allowed."

Then Mr. Steinberg asks, "Do you have any ideas how we can wash your hand?"

And he asks again, "What could we do for you?"

And Mr. Riese reminds them, "I am the supervisor in charge of the Brew Burgers."

Then Mr. Steinberg wants to make sure that they have worked out at least the arrangements about getting advance information, even if they haven't worked out yet the arrangement for what he and Mr. Riese are going to do for Volpe and Moskowitz.

So he says, "I want to be sure of what we said so that I got this in my mind. You'll call me at 4:00 and you'll tell me where you're going and when you go to the store, you call me. I'll come there and I'll see what you're pulling out."

That's the arrangement they are going to have.

(Continued on next page.)

Let there be no mistake about it, and the Government is as aware of it as Mr. Gould and each of you that Riese talks about his reluctance and about the risk, but first of all we should point out that Mr. Steinberg never mentions any reluctance. He too talks about risk, doing it in the safest way possible and "business is business."

He says later on, "We are going to have one guy go in there at a time and take the guy we don't care about first.

Mr. STeinberg is concerned about the risk. He tells Mr. Volpe and Mr. Moskowitz many times to be careful that the forms are accurate and that it is all done properly. Mr. Steinberg is concerned about the risk. He never talks about any reluctance to go along, or it is not even a question of going along with Mr. Steinberg. It is his idea. He is immediately asking, "Can't we work something out?" He is never reluctant either to bribe Mr. Volpe or Mr. Moskowitz or to involve these aliens who themselves were to pay the bribe. Mr. Steinberg doesn't want the money to come from his pocket. He wants to minimize the risk, but he never is reluctant.

The Government's evidence also shows that Mr. Riese is not always reluctant to offer a free pass to expensive restaurants and lots of free tickets, but he

doesn't want the money to come out of his own pocket. He also, Mr. Riese, doesn't want it done in a way that it is readily traceable to him. He wants to protect himself, so he suggests this idea of keeping aliens in between, having them pay the money directly to Volpe and Moskowitz.

Mr. Riese just doesn't want to get caught. His words are very revealing. When Mr. Volpe says, "You know the monetary situation. There is no problem. You can -- see you there somewhere in a place where we can come and talk to you. You talk to me, shake my hand. It is all done,"

Then Mr. Riese says he is worried about the risk and that is the worst thing. It is the risk that is the worst thing. There is nothing wrong with bribery, nothing wrong with being illegal, but the risk, that is what Mr. Riese is concerned about, nothing more. Mr. Riese makes this very clear when he says too a little later in the meeting on May 6th, "I don't want you guys to think that I want favors and I'm not going to come through on that, because we just have a lot at stake. We have an awful lot at stake. I'm not naive."

He is really very, very reluctant to do it. He wants to give him favors, but "We can't do it in a way where we are going to get caught." He wants to work

something out so that "We can minimize the risk."

Mr. Riese also wants to get off cheap. Meals and hockey tickets are one thing but cash is another. Mr. Riese certainly doesn't want the money to come out of his own pocket. Mr. Moskowitz says something which inadvertently gives Riese the idea to have aliens buy the green cards from the Immigration officers and Volpe and Moskowitz would be paid off. They would be satisfied. They would get their money and some of the top managers of Riese and Steinberg would be protected and everyone would be happy and in this way the money would come out of the aliens' pockets. Each of them would pay the thousand dollars. There would be no cost directly to Riese and Steinberg and also the aliens would be the ones who would be running the risk. They are the ones who would be going up to the Commodore Hotel and handing the money to Volpe and Moskowitz.

Mr. Steinberg wouldn't be giving them any money and Mr. Riese wouldn't be anywhere nearby. So this is the idea that Mr. Riese gets from a remark of Mr. Moskowitz. Moskowitz said, and this is May 6th, "That's why guys run after lawyers. That's why this guy charges them $2,000. He knows the angles. The angles don't always work, but most of the time, if you know what you

are doing, right, you get results. "

Then Steinberg says $500 to " --

Then Mr. Volpe says, "As far as being crooked, it is not being crooked. It's a slight favor."

Then Riese says, "Who's gonna pay it, him?"

Then Mr. Riese says, "If the guy's going to pay $1,000 to a lawyer, it certainly is worth the same, or five hundred bucks or something like that, to anybody to get the papers."

It is worth it for an alien to pay $1,000 to Volpe and Moskowitz to get the papers. Mr. Riese makes it very clear, and then he says, "But I would not pay the money."

It is not going to come out of Riese's pocket and it isn't going to be traceable to him but he is willing to set it up."

Mr. Riese says"I am just talking about investments " and there is talk about investments in a career.

Mr. Riese says, "I am not saying that it is not worth it. I am saying it is not worth it for me to pay it or even get involved in it. That's what I'm saying I would love to figure out a way that you could get it."

That is Mr. Riese. May 6th, "I would love to

figure out a way that you could get it."

Did Mr. Riese induce, cause, aid and abet -- Vashisht and Chayanon Vongchan and Phairoj Boonamnuaysuk to pay a bribe to Volpe and Moskowitz?

You listen, if you have any questions, to Mr. Riese saying, "I would love to figure out a way that you could get it," and ask yourselves who figured out the way that Volpe and Moskowitz could get the money and that Steinberg and Riese could get the benefits.

Steinberg comes back to the green cards and says, "Just tell Avinash with the five hundred bucks. Don't even show him this card."

Who has the card? Mr. Steinberg? Mr. Riese has the card that he got from Mr. Moskowitz. Mr. Steinberg says, "Look, for five hundred bucks you don't have to worry about Immigration. Then you gave him a card and told him we are going to get the green card and have him pay the money."

Have Avinash pay the money. That is what Steinberg is telling Mr. Riese. You can see the whole idea coming together now. The aliens will pay the money out of their pocket and they will run the risk.

Mr. Riese tells him that he'd like to think about it, that he would like to think about it, figure it out

as to what the best way to do it is.

It is clear that Riese is concerned about this risk because it is Volpe and Moskowitz who have stressed it and they are making it apparent, Volpe and Moskowitz make it apparent from the beginning on May 6th that what they are talking about is the crime. They say, Volpe says, "We are not the first guys or the last to work something out with somebody." And he says it is a $300 investment for him and Riese says, "What do you mean?"

And Volpe says, "You know what I mean, our job is here. If they find out that we are pulling strings" --

And Steinberg says "A $300,000 investment?"

Mr. Volpe explains, "When I say $300 investment that is like our careers, twenty years of service, our salary every two weeks adds up to something."

Mr. Moskowitz says, "The end of a Government job."

Mr. Volpe says, "Well, like I had to -- you know, we had to feel each other out." He says that Mr. Moskowitz came from the IRS and "You know, and I never worked in the IRS or anything like that, but this is -- I worked for a narcotics firm and all that," but now he was smart enough to say he couldn't say something in front of him

because "I was feeling him out and he wouldn't say anything in front of me because he was still feeling me out and now we wind up being co-honchos."

Mr. Volpe is making it very clear to Steinberg and Riese that what they are talking about -- there is a risk, there is a danger. It is illegal. Nobody is entrapping anybody to do something. He doesn't say it is not illegal. It is very clear from the start that Volpe and Moskowitz say there is a risk. Again Mr. Moskowitz says, "We had to feel each other out. Not everybody is super-straight, not everybody is human."

BEfore the end of the meeting Steinberg brings up money again and suggests that Volpe and Moskowitz get in touch with him by calling any Brew Burger.

"What kind of money?" That is what Steinberg says. Moskowitz says, "You've got 25 stores." Steinberg tells him, "Well, certain of those stores we don't care about."

Volpe tells Moskowitz to go ahead and Moskowitz says, "I would say $100."

Moskowitz again asks, "Can you put a monetary amount on it, what disruption it causes?"

And it is after that that Steinberg says, $50, he would say $50 a store.

Before the end of the meeting Steinberg says, "Well, you come into any Brew Burger and call me," and Volpe says, "Well, all right, next Tuesday or so."

At the end of the conversation, the very end of the conversation, Page 67 in the transcript, Mr. Riese makes it clear that he is going to run no risk and that is Steinberg, his subordinate, who is going to be out in front of him in case anything goes wrong, so when Steinberg says, "No, call us next Tuesday, but I mean are you going to be calling at the Brew and Burgers for a week? You're not going to be hitting us for a week, are you?"

Volpe says, "No."

Volpe asks STeinberg, "Do you want to pick one now so we will know where we are going, or do you want to wait until next Tuesday?"

Steinberg says, "At your convenience, any Brew Burger in town."

Riese says, "Just walk in the same way you walked in tonight, you know, just sit down and ask for Fred Steinberg."

That is Riese telling Volpe and Moskowitz, "You ask for Fred Steinberg, he's the one who is going to be out in front. Let him run the risk. Dennis Riese

is much too shrewd to be trapped into anything, ladies and gentlemen.

Please remember that you are entitled to have any of the exhibits during your deliberations and if you have any doubt about Riese and Steinberg's desire to bribe Volpe and Moskowitz, please listen to the tape, particularly the tape recording of the May 6th meeting. You will hear that there is just no reluctance. The Government submits from the voices alone you could hear Mr. Riese and Mr. Steinberg are in no way reluctant to do the deal. All they are reluctant to do is face up to the risk and to have the money come out of their own pockets.

After the May 6th meeting Riese sent a letter to his boss, Mr. Dolan. Riese and Dolan then met on May 10th and Riese told Dolan that Steinberg had asked the Immigration officers whether they could work something out and that the officers asked for money.

Dolan told Riese not to meet with the officers again and Dolan told him, "Have nothing to do with this."

On May 10th Dolan told Mr. Riese, "Have nothing to do with this." Riese of course disobeyed. He sent Steinberg alone to the May 14 meeting, but Riese showed up at the fake raid on May 22 and it was Mr. Riese who

took an active role in telling Volpe and Moskowitz on May 22 whom to arrest and not to arrest and which stores to hit and which to leave alone. It was Riese on the 22 who first suggested that they get the cook Romano, and it was after talking with Dolan that Riese recruited Chayanon Vongchan. We know it was after he talked to Dolan he recruited Chayanon Vongchan because Riese talked to Naree Vongchan after her brother had run away from his restaurant. Chayanon had worked at 52 Street and Third Avenue and the Immigration officers met Steinberg at 52 Street and Third Avenue on May 14. We know that it was after that that Mr. Riese talked to Naree Vongchan. We know that the meeting at 52 and Third Avenue had on May 14th so after Dolan told Mr. Riese, "Have nothing to do with this," Riese continued to meet with these officers on May 22. He recruited Chayanon Vongchan and signed the forms. He spent four hours with STeinberg going over the forms, and all this after Mr. Dolan told Riese not to have anything to do with this.

Mr. Riese did take pains, though, to keep his distance in case anything went wrong and he told Chayanon Vongchan that this had nothing to do with him. How could it have nothing to do with him if it was he who suggested to Chayanon Vongchan that he could buy a green card

for $1,000. He wants these people to think that he has got nothing to do with it, just as he wants you ladies and gentlemen to think he had nothing to do with it. So Mr. Riese said to Chayanon, "Chay, this has nothing to do with me."

But later on Mr. Riese shows even Mr. Vongchan that he is still involved and tells Mr. Vongchan that of the six -- "Chay, you are the only cook of the six we are helping," Mr. Riese says. Mr. Riese is helping, causing, aiding, inducing these five aliens as charged in the indictment, causing them to bribe Volpe and Moskowitz, giving them $1,000 for each of the five green cards.

Mr. Steinberg, though, was trying to protect his boss, Mr. Riese. Not only was he having almost all of the contacts with Volpe and Moskowitz but Steinberg also told Pirina not to tell anyone about buying the green card, not even Mr. Riese. Why did Mr. Steinberg tell Pirina not to tell Riese?

Riese, of course,knows about what is going on. We know that clearly from Chayanon who heard it from Naree Vongchan. Steinberg said to Volpe and Moskowitz that Riese is spending four hours going over the forms. Why does Steinberg tell Pirina not to tell Riese about it?

Because Steinberg wants to protect Riese. He wants to keep this as far away as possible from him. That is his part. He wants to get out in front. tells Parina not to tell anyone, not even Mr. Riese.

In any event, Mr. Riese and Mr. Steinberg concoct a scheme to take money from t he aliens' pockets and STeinberg and Riese would have advance notice of Immigration investigations so that they could get the Immigration officers to arrest any aliens who are troublesome workers and Stein and Riese could also get green cards for some of their best workers including the four managers and Steinberg coul_ get a green card for his girl friend. The Government submits for the very reasons that Steinberg and Riese participated in this scheme.

So it was that Riese and Steinberg offered to meet with Volpe and Moskowitz on May 14th.

On May 14th right at the beginning of the meeting Steinberg explains to Volpe and Moskowitz how this scheme is going to work. Now, ladies and gentlemen, in view of the claims that the defendants have already suggested in their opening statements that they are going to make about entrapment, I think it is important to point out to you that the evidence, the Government submits, shows that this was all Stein and Riese's idea.

MR. GOULD: I object to that. The evidence doesn't show anything like that. That is an unfair statement.

THE COURT: I will permit you to make the argument when it comes your turn.

MR. GOULD: Very well.

MR. IASON: Ladies and gentlemen, not only was it Steinberg who first mentioned working something out, not only was it Riese who first mentioned green cards, Steinberg and Riese having talked about aliens buying green cards, Steinberg and Riese talk about the aliens who are willing to pay a lawyer $1,000, $2,000 and they would be willing to pay the Immigration officers $500 or $1,000.

While Volpe and Moskowitz did talk about monetary value, there was nothing specific about how the scheme was going to work out. The scheme was the idea of Steinberg and Riese, and Steinberg explained to Volpe and Moskowitz on the 14th -- he first tells Moskowitz and Volpe that they can't make a direct payment; that Steinberg and Riese, rather, cannot make c will not make a direct payment to Volpe and Moskowitz. But Steinberg tells them that the reason is because the company won't let them and this shows, ladies and gentlemen, the

Government submits from Steinberg's remarks at the beginning of this conversation show that he and Mr. Riese have discussed Riese's meeting with Dolan on May 10th. Steinberg starts out with "Okay, we've discussed this with different people because this, you know, is a little bit big for us."

They had to go to a superior. Who is his superior? Mr. Dolan told you he is the superior. So now Mr. Steinberg knows about this. Steinberg with Dolan --

MRS. BARLOW: Objection. There is absolutely no evidence in the record to show that.

THE COURT: I will permit you to make that argument when your time comes.

MR. IASON: So that Mr. Steinberg says, "And the way it boils down is, I would have to put the hands on the money myself. Now the company's point of view is, well, we have supervisors to take care of this. What they mean is, I do the hiring, so if I'm hiring illegal aliens, then I've gotta suffer with it. And if I get rapped by Immigration in the store, then I've got to cover it. They said they have a supervisor to run the operation for them, so they don't have to worry about it. Who I hire, and what I do is my own business. So for

them they don't want to get involved."

Were there any facts by Volpe and Moskowitz when STeinberg is telling them they are not going to know? What does Moskowitz say: "Good business. Makes for more sense." Those are his comments.

Now, listen to the tape and look at the transcript. Volpe is not saying anything. Steinberg is saying they can't work the deal. They say, "Yes, right, it makes sense."

Steinberg goes on, "My job depends upon my being able to handle my units. I can't handle my units then they'll get a supervisor who can."

Then Steinberg makes a little more clear what they have in mind:

"But to pay money from me to Immigration is now worth it for them. Why don't I hire legal aliens to begin with, that's their point."

Again Moskowitz says, "Good business, makes sense."

And STeinberg goes on, "I didn't at that time -- you weren't a top honcho. You were just a guy in the field, which is what I'm considered as far as your" -- inaudible -- "this company. You got the owners. You got a guy like Dolan who runs a -- the whole shit. And

in a way, you know, we started off was -- I figured you could do me what you could do as a person in the field, and I was going to do for you what I could do as a person in the field."

Again Steinberg telling Volpe and Moskowitz what he had in mind. At the beginning he was going to help them as a person in the field, free meals, free tickets, this sort of thing. That was what he had in mind. He told them at the beginning and now he has got something else in mind.

So Volpe asks, "How about Dennis, the manager. He wants that green card."

Steinberg says, "Yes, that's another thing we depend on. Now, we've also told various people, like we joke around, we say 'If we can sell you a green card for $1,000, would you do it?' We asked about 25 people. Not one person said no. So we can turn you on to people who are close to getting their green cards."

There it is. There is the idea of how they are going to work it out. Steinberg telling Volpe and Moskowitz, "We are going to turn you on to people who want to buy green cards for a thousand dollars."

It is significant that he talked to people before May 14. Whose scheme was this and whose idea was this?

Steinberg. He talked to people who want to buy green cards for $1,000.

Mr. Steinberg tells Volpe and Moskowitz about his own personal motivation in this and he says, "What it boils down to, I've got only one person that I want to take care of, just my girl, and I'm willing -- I was willing to cover the whole chain, just to protect her, you know."

He is willing to cover the whole chain to protect this girl and he tells them about buying the green cards. Steinberg tells Volpe and Moskowitz, "Now this guy Avinash, he can get his green card," and Steinberg says, "My girl friend would be willing to buy a green card. Her sister's coming to the country. She'd be willing to buy a green card. We can turn you on to so many people at $1,000 a rap. That's the price we told them, a $1,000. They agreed to $1,000."

And they talk about not going -- Steinberg explains to them that they couldn't ask the people in the stores to contribute the money directly because that again is running a risk.

Steinberg says, "If we went to the people for money, too many people would know that a Federal agent was being paid off. We're both guilty of the same crime.

I'd give you money, I'm guilty of bribing a Federal officer and you're the Federal officer."

Steinberg has no illusions that what he is doing is illegal. He says, "If I give you the money and I'm not guilty of bribing a Federal officer."

He knows that if the aliens give you the money they are the ones who are bribing the Federal officers. I'm not running the risk. And Mr. Steinberg explains why this is a good scheme.

"But if we turned you onto somebody straight, you and him, I'm not involved. That guy bought his green card. He's not going to open his mouth to anybody."

That is what Steinberg says he wants to do the scheme, because illegal aliens, of course, are not going to tell anybody about buying a green card from Volpe and Moskowitz. He is not going to tell anyone about what Steinberg and Riese have suggested here because he has got too much at stake himself and in that way Steinberg says he is not involved.

Steinberg also says things in this conversation on May 14 like, "These are the guys that have been in the country five years, six years, seven years."

Is that what these witnesses told you from the stand? Have they been here five years, six years and

seven years?

Now, on this May 14 conversation it is also apparent that Steinberg is willing to cover for Riese. In the middle of this conversation he is telling Volpe and Moskowitz that "We'll go out to dinner, the three of us, and our women," meaning Volpe, Moskowitz and Steinberg and their women. Riese is going to be kept at a distance now as part of the scheme. Keep Riese at a distance. Riese is going to be protected by Steinberg, and will be protected by the aliens who will buy the green cards.

Remember, ladies and gentlement, that it is Steinberg who first suggests that idea about going out for dinner to make it look legit.

When they go back to talking about green cards Volpe asks, "A thousand dollars a clip?" And Steinberg tells him, "Yes, right, I can think of five or six right offhand."

Sure he can think of five or six right offhand. Isn't it curious that it is five or six, including his girl friend,who wind up getting green cards? They have already got this scheme worked out by May 14.

And Mr. Steinberg explains to Volpe and Moskowitz, he says, "I'm a businessman," and he says,

"Nobody says a thousand dollars and depending what the people could afford. We can get it even higher, $1,200, $1,500."

Mr. Steinberg explains why this is better than anything else, that having Volpe and Moskowitz get $50 or $100 a store a week. He says, "That is too dangerous, $100 a week, ten raps, to get the thousand. Then you have committed ten crimes to get a thousand dollars."

Moskowitz asks him, "Do you want anything for yourself?" And Steinberg says, "No, no." He says, "I'll send the people to you guys. You guys can do whatever you want with them."

Mr. Steinberg says he will send the people to Volpe and Moskowitz so they can help them get the green cards, and he is not involved.

At page 20 of the transcript Mr. Steinberg says, "So how do we start the ball rolling? I got to get together some names, right?"

Mr. Volpe and Mr. Moskowitz aren't pushing him on this. If you have any question about this, listen to the transcript.

And also on cross examination there is the suggestion that it was Volpe and Moskowitz who first told Steinberg to get Dennis to sign these forms, but here it is on May 14th Steinberg saying, "Being that I'm going to sign all the sponsors, I don't think I want to sign them all."

It is Mr. Steinberg who says he doesn't want to sign them all.

Then in that same section Steinberg is saying, "That's five grand for you guys, maybe a little over five grand. Let's handle five in the beginning because I don't want too many people to know what's going on."

He's aware of the risk. He wants as few people as possible, "The ones you can trust."

"I'll take the five best, that have half a brain, so we don't have any problems."

He tells them, "You'll just set up the meeting with me. I'll just tell the people where to go and I

won't even be involved when you deal with them." Mr. Steinberg says, "I won't even be involved when you deal with them." That is his way of not being involved. He won't be caught. He won't be caught, but he knows that it is all illegal. It is clear from this conversation that he understands the risk and that Volpe and Moskowitz have told him about the risk. So Steinberg tells Volpe and Moskowitz, "I'll tell them not to talk to anybody but me," and says, "I guess you are going to get $2500 apiece."

But then Mr. Steinberg makes it clear that this part is his idea; that it was the other part of it which may have been Volpe's and Moskowitz' idea for the $50 or $100, the mechanics as to whether there would be a bribe, not as to whether they were going to work something out, but as to the way they were going to do it. But this is all Steinberg's and Riese's idea.

Steinberg says the way you wanted to work it it would have taken you a whole year to make that, and Steinberg says they are going to get the five grand in a hurry. He tells them, "I can tip you off exactly where to go."

This is now as to which stores to hit. He says, Steinberg says, "You say you got to hit a store tonight. Where do you want me to go? Go to 86th and Lex. I don't like the cook up there, or some shit. Pull the whole

store."

There is Steinberg setting people up. That is the other part, not helping friends, keeping good managers in the stores, getting a card for Steinberg's girl friend, but also for somebody they don't like, somebody who may be a labor problem that they are setting up.

So there is a cook and Steinberg says he doesn't like him and he is going to tell them to go up there and arrest him. Steinberg makes it clear when he says, "There is only one person that I'm concerned about and that is my girl friend."

After this meeting on May 14th, in a day or so Chayanon Vongchan ran away when the two Immigration officers came to have that meeting with Steinberg. While he is running away Vongchan called Fred Steinberg and told him he had run away when the two Immigration officers came.

Fred Steinberg told Vongchan, "Don't worry, the two Immigration officers are my friends. The Immigration officers are coming to see me and they are my friends." That is what Mr. Steinberg tells him.

You remember the one other reference to these Immigration officers being Steinberg's and Riese's friends, according to the aliens themselves when they testified before you yesterday and Friday, and the indi-

cation of that friendship is the ride that Mr. Steinberg accepts with Volpe and Moskowitz on May 22nd, after the fake raid. He goes up to 63rd and Third with Volpe and Moskowitz. If he is so afraid of them what is he doing getting in a car with them when his friend, Mr. Riese, lives around there? But he gets in the car with them because they are his friends, just as he told Mr. Vongchan that they are his friends.

So around this time now you have Riese going to Vongchan and Vashisht asking them if they want to buy a green card for $1,000. Riese telling Vashisht that it is not a right thing to do but he'll do it for Vashisht anyway and you have Mr. Steinberg going to Ansari, going to Pirina, going to Boonamnuaysuk and asking them whether they want to buy a green card for $1,000.

Mr. Riese's conversation with Vongchan's sister, Naree Vongchan, telling Naree that Fred Steinberg could help her brother out. Fred Stein[illegible] telling Naree Vongchan that he did not want to get involved.

Then you have the two telephone conversations on May 21st, the first where Volpe tells Steinberg that he has been called on the carpet by his boss who wants to know why there haven't been any more investigations at the Brew Burgers and that he has got to do something and

can't keep holding off. Mr. Volpe tells Mr. Steinberg that he has got to have a place he can go to the next day and during this conversation, this first telephone conversation on May 21st, Steinberg tells him, "I'm almost set for you guys. I've got the names, the names of the people who want green cards and I've got the information on two other guys. I've just got to get you the rest."

Already on May 21st Steinberg knows how many people they have got. He says, "Right, I've got six people, the five labor certifications and the one marriage," for his girl friend.

Then they talk again on May 21st and Mr. Steinberg tells Mr. Volpe which store to go to on May 27th as a fake raid. He tells him, "You get my cook," and "Do you want me to pick stores with people that you do take won't hurt me so much." He's setting people up.

And Mr. Steinberg on May 22nd, the phony raid, Mr. Riese shows up at that time, the time that they are having a false investigation and Mr. Steinberg immediately gives Mr. Volpe the list of five addresses, which stores to stay away from, but he doesn't say anything about the list.

But Mr. Riese tells Volpe, "What he gave you just now is five stores you stay away from and the rest just go in at will."

How did Mr. Riese know what Mr. Steinberg had given him? Of course they had talked about it before Volpe and Moskowitz came. Of course Riese is his boss. He is telling Steinberg what to do.

Then they start talking about the forms, the green cards. Volpe says, "I'll get those forms for you next week."

Steinberg says definitely. Is he reluctant to do it? In the middle of the conversation you have Mr. Riese saying, "Are you talking about the green card?"

He knows what they are talking about. Of course he does. He says, "He'll give you a card and then they'll give you" -- was he about to say money? He was interrupted. Mr. Volpe says, "I need a photo when I give you the forms. You got to tell them to go to the Five and Ten and get four pictures for a half a buck."

When Mr. Steinberg says, "Then they will give you the money," Mr. Volpe says, "Give us the money, we give them the form."

Now, at this point, after having the same conversation a week before in the transcript, "You are talking about the green card," and that is Mr. Riese talking, and "You'll give them a card, they will give you a" --

Mr. Riese says, "I don't know anything about this. I don't even know what you are talking about. Fred, you must know what he is talking about."

Fred just laughs because, of course, Mr. Riese knows exactly what they are talking about. Of course Mr. Steinberg have discussed this. Mr. Riese wants everybody to understand that he is being kept at a distance from that so he is not going to run any risk. They are interested in doing this. Mr. Steinberg says when they get the green cards -- Mr. Volpe explains that in five years they can become United States citizens. Mr. Steinberg says, "That is five years they can work, five years they can work for us."

At a point early in the conversation Steinberg says, "Why don't you guys hit 86th and Lexington Avenue." That is the one with that cook Mr. Steinberg didn't like, and right at this same conversation Mr. Steinberg says, "Yes, 86th and Lex. By the way, I want a ride, to be dropped off. Do you guys want to show anything" -- Mr. Steinberg is saying, "I want to ride with you guys." He is not afraid of Volpe and Moskowitz. Right at this point, Page 7 of the transcript, early on in the conversation on May 22 Mr. Riese turns to Steinberg and he says, "Tell them about Romano," so Steinberg says, Steinberg ever

obedient does tell them about somebody at 32nd and Seventh. He says, "We have a cook there. Let me tell you something about that guy." Then Mr. Steinberg explains, he says that "He has a green card, although I don't know that they are legal papers, but, you know, even if you can't pull them" -- Mr. Steinberg is saying, "If you can't pull them, I really would appreciate if you would harass him a little bit."

Then Moskowitz says, "Where does he come from -- Thailand?"

Steinberg says, "No."

"Moskowitz: Mexico?"

Then Steinberg tells him a little bit about this cook at 37th and Seventh, how he pulled a slowdown because he wants another cook.

Ladies and gentlemen, the Government submits that nothing illustrates the evil of this scheme more than this part of the conversation when Mr. Riese tells Mr. Steinberg, "Tell him about Romano," because not only are they getting information from Mr. Steinberg's girl friend as to the managers, the ones who do a good job, not only are Mr. Steinberg and Mr. Riese getting information as to that so that the illegal aliens, the ones who are working for them won't be arrested, but, ladies and

gentlemen, Mr. Riese and Mr. Steinberg are setting up the people that they don't like. They are setting up the people they don't like because they are not good employees. They are the ones who are pulling a slowdown. The cook at 32nd and Seventh is pulling a slowdown, Mr. Romano. So nothing shows the evil of this scheme to bribe Volpe and Moskowitz more than Steinberg's and Riese's desire to set up Romano, even though Steinberg says, "He may have a legal green card. Even if you can't pull him, can't you harass him a bit"?

Mr. Riese tells him, he says, "Don't tell them we told." Mr. Steinberg says, "Tell him to get a little rough with the cook," so Mr. Steinberg laughs at the idea of getting a little rough with the cook, even though he may be legal.

Then Mr. Riese kind of apologizes because they are not paying the money directly because they have got to go, Volpe and Moskowitz are going to have to do a little work to earn their money from Steinberg and Riese and Riese says, "I don't know whether Fred told you, but, you know, it was not our company. There was no way we could do anything."

He knows full well what is going on. He discussed it with Steinberg and explained to Volpe and

Moskowitz why they are doing it this way, so Mr. Volpe says to him, "Hey, listen, you're doing, you're doing more than enough now."

And Mr. Riese says, "Yeah, and these kids."

And Mr. Moskowitz says, "Like he says this is ten times faster."

And Riese says,"And better. These are the people that we want to make happy."

The ones who are getting the green cards are the ones that Mr. Riese and Mr. Steinberg want to make happy, and Mr. Riese also tells Mr. Volpe and Moskowitz that "Fred says that you had to hit some of the stores, that there were people asking questions."

That is in reference to that conversation that Volpe and Steinberg had the day before, showing again that Mr. Steinberg and Mr. Riese are discussing this and that and that Mr. Steinberg is keeping Mr. Riese informed of what is going on, and there is Mr. Riese again in this conversation saying, "There is some people are coming out, the ones who have been arrested. I'm just not going to look at them so they don't know I set them up."

Mr. Riese: "I set them up," and then they talk about the cook, Romano, and Mr. Steinberg says, "He pulled a slowdown tonight. He killed us. He had

customers walking out like crazy. He refused to cook more than one order at a time and if there is a well done on the order he wouldn;t start a rare on the second one till he finished the well done on that order. He told the dishwashers not to understand English when the managers talks to them."

And Mr. Riese again comes back to the scheme with the green cards for the aliens and he says, "We're not giving you business."

Volpe says, "We couldn't walk in and start doing that."

Mr. Riese says, "We're just sending you some people that we know who need some help."

Can there be any question that Mr. Riese knows full well the scheme that Mr. Steinberg has worked out with Volpe and Moskowitz?

So Mr. Steinberg rides uptown with Volpe and Moskowitz and explains that he can't afford to pay for the green card for his girl friend. Moskowitz and Volpe say, "Okay, that is all right, you'll get it for nothing."

And then in the same part of the conversation going uptown -- Mr. Riese, of course, is not in the car with them -- Mr. Volpe says, "Well, you say you and Riese

are going to sponsor them, right?"

Remember on May 14 it was Steinberg who brought up that he didn't want to sponsor all of them. Volpe says, "You and Riese are going to sponsor them; right?"

And Steinberg says, "Yeah, well me and somebody else."

He is once again protecting Riese and not saying. Who else could it be and who else in fact ends up sponsoring them?

Mr. Steinberg explains, "Well, I'll just take care of it and I'll say Dennis, he doesn't want to get involved with anything not legal."

All he means is that he doesn't want to get caught being involved with anything not legal. Do we have any reluctance to set up and participate? Of course not.

On May 27th there is another phone call. Mr. Volpe tells Steinberg about that, that he has the forms and they agree to meet so that Volpe can give Steinberg the forms. Steinberg now asks for the special form for his girl friend, the marriage form, and Steinberg, who brings up the marriage form for his girl --

MRS. BARLOW: Objection. That is a characterization and not in the evidence. The evidence clearly shows the only one who asked for the marriage form was

brought up by Mr. Volpe. On his own admission he was the one who suggested it. I move for a mistrial, your Honor.

MR. IASON: May I read from the transcript evidence?

THE COURT: All right. I will deny the motion for a mistrial. You have made your point, Mrs. Barlow, and you can refer to it again in your summation. Go ahead.

MR. IASON: In the transcript at page 4 of the telephone conversation on May 27th Mr. Steinberg says, "And a special form for my girl friend."

Volpe says, "No sweat. I got it here already."

Steinberg: "Beautiful."

Beautiful. So they have the meeting on May 27th. The one where John Pappas is present, the other person. They talk about lots of things and Mr. Steinberg says he had a fight. He talks about Karate and he asks and it is Mr. Steinberg who brings up again guns. He talks about another fight he was in. Then they talk about pewter mugs on the wall and deer heads and Steinberg asks Volpe and Moskowitz, "Are you 24 hour peace officers? Don't you have to wear a gun?"

And Mr. Steinberg starts talking about him getting a gun. He says, "Some detective was really hot

on me getting a gun license because I'm around at night."

Mr. Steinberg has no fear of guns. He says, "I want to get myself a gun."

Mr. Moskowitz says, "What kind would you get? Get yourself a magnum."

Mr. Steinberg says, "A .38. It's too heavy."

He is very knowledgeable about guns. He is not afraid of guns, so they go to the back and they talk about forms and they go into detail of what Steinberg showed the aliens to fill out each of these individual forms.

Mr. Moskowitz and Mr. Volpe say, "Keep it to you and Dennis, keep it to you so nobody else will know."

Steinberg reassures him: "I'm just as nervous about this as you guys are."

He is not reluctant. He is nervous. He knows it is illegal. He says let's hope this goes right.

Volpe again tells Steinberg, "Have the aliens get four photos, four passport photos in the five and ten."

Remember Steinberg tells each of them to get four passport type photos. They talk again and in a few days Steinberg says, tells Volpe on the telephone --

THE COURT: Counsel, you have now been speaking

about an hour and 20 minutes. It is time that you considered bringing your remarks to a close.

MR. IASON: I am trying to bring them to a close.

THE COURT: All right.

MR. IASON: Mr. Steinberg only tells Mr. Volpe about filling out the forms. He says, "We decided not to do any cashiers or anybody that we thought would be a problem. We're doing all managers. We got the format looks, you know, like where we -- we didn't even lie on the form. You know what I mean? We told 100 per cent the truth, right. We told 100 per cent the truth so we're not gonna put through any of the ones we felt we had to lie to, you know, like a cashier or something like that."

Who is this "we"? Is this the editorial "we" or the royal "we" or is this "we" Mr. Steinberg and Mr. Riese together working on these forms?

Mr. Steinberg, though he knows this is illegal, he wants to do it the safest way possible. He is not reluctant. He says only, "Listen, the only thing we can't do is no negotiation or transaction of money in the Brew Burger."

B9 So they talk again, Volpe and Steinberg, on June 5, 1975, a week before the deal finally goes through

and Steinberg explains to him, he says, "Well, the first thing that we have to do, listen to me now, and don't misunderstand me. Let me explain the whole thing; all right?"

Mr. Volpe says, "Go ahead."

Mr. Steinberg says, "This is his business, and we're talking about setting up people that work for me with $1,000 to come see you; right?"

Volpe says, "Yeah."

Mr. Steinberg says, "Now, what we're gonna have to do is that let's do the freebe or we'll do the one that I don't care about least first as a test run so that the guy pays for his green card and gets the green card. Then we run the other four."

Is there any question that Mr. Steinberg knows that this is not legal, not legitimate? Of course not: "Business is business," and let's do it the way we run the least risk.

So on June 9th Volpe and Moskowitz meet again with Steinberg and pick up three of the forms, and Mr. Steinberg makes it clear again that he is not reluctant. He says to Volpe and Moskowitz, "I got the pictures. Let me tell you I didn't drag my ass on anything."

All Mr. Steinberg is worried about is telling

Volpe and Moskowitz -- all he is worried about is whether they can get caught for false statements on those forms. They even talked about what the penalty is for the false statement. They talked about there being no perjury, no lies in these forms. Mr. Steinberg is sure that these aliens, as he has told him earlier, aren't going to tell anyone. Mr. Steinberg is sure that these corrupt cops, Volpe and Moskowitz, aren't going to tell anybody, so the only way they can get caught is false statements on these forms and so Steinberg is telling them, "Why don't you guys study carefully these three applications."

Then he says, "Dennis and I sat for four hours and we studied the answers on every single form that we wrote out. We didn't lie once."

All he is concerned about is getting caught for false statements.

"I told you guys," Mr. Steinberg says, "I don't mess around, man. You guys are dealing with five grand here. There's gotta be some kind of risk involved and you've got to eliminate it."

"I hope you guys are are careful as I was, because I really spent time" --

And Volpe says, "We're being careful. You think we're not being careful?"

Steinberg says, "I hope you are being careful."

On June 9th, they also agreed to exchange the green cards for the thousand dollars in the hotel room and set up Mr. Steinberg's girl friend to go first and that the aliens will go a half hour later followed by the others at 15 minute intervals so that nobody sees anybody else.

They agree to meet the next day, June 10th, so that Steinberg can give Volpe and Moskowitz the rest of the forms.

Volpe and Moskowitz explain that there is a girl down in the section that prepares the green cards and that she is going to do all this for them; that Volpe goes out with her and that is the reason she is willing to do it. Then Steinberg gets scared, "But what about if you break up with her? What if she gets angry with you two months from now?"

Again Steinberg is afraid. He knows it is illegal. He is afraid about any possible risk they can run. He wants to minimize the risk, so Volpe has to reassure him that he is not going to break up with the girl; this isn't going to happen.

They meet again on June 10, 1975 and Steinberg gives Volpe and Moskowitz the rest of the forms. They

agree to meet on Thursday for the final exchange of the green cards for the money at the Commodore Hotel, and then Steinberg tells Volpe and Moskowitz that is not going to get caught because he is not paying the money directly to Volpe and Moskowitz.

He tells them, "I'm cool because I don't -- I'm not taking any payment of any kind, so I'm basically cool."

And he tells Moskowitz and Volpe, Steinberg, "Don't get excited, man, there is five grand involved in this. You want that five grand in your hand because it is going to feel nice, you know," Mr. Steinberg says.

He, Mr. Steinberg, says that is a beautiful feeling, so on June 12, 1975, at 9:00 in the morning, Mr. Steinberg and his girl friend Phanvika Tansuttivanich go off to the Commodore Hotel, Room 2147. Mr. Steinberg has given the other five aliens the instructions about where to go and what time to go and Mr. Steinberg and his girl friend go up there first and they talk and meet first and Mr. Steinberg reminds Volpe and Moskowitz that it was all his idea.

He says, "You guys think too small. You guys are Immigration officers. I'm a businessman. You were thinking of $50 apiece per hit. You would have been making about $50 a week and there would have been a

time where I wouldn't have any Thais left because of, since that blitz. It's been green cards. This way in one hour it's $2,500 apiece."

There is Mr. Steinberg saying: "You guys think too small. You are Immigration officers. I'm the business-man."

After Steinberg and his girl friend leave, then they are followed by Chayanon Vongchan, Avniash Vashisht, Phairoj Boonamnuaysuk and Mohammad Ansari, all sent there by Steinberg and Riese and all come in and give $1,000 each to Volpe and Moskowitz and get their green cards and then --

11 MR. GOULD: Your Honor, counsel said that they were followed by Steinberg and Riese.

MR. IASON: Then I misspoke myself. Excuse me, your Honor.

MR. GOULD: I would certainly say he misspoke because counsel will concede that they were not followed by Steinberg and Riese.

THE COURT: All right.

MR. IASON: I certainly will concede that they were not followed by Steinberg and Riese. All I meant to say, and please excuse me, Mr. Gould and ladies and gentlemen, that the five aliens were sent on this journey that

led to the Commodore Hotel on June 12, 1975 by Fred Steinberg and Dennis Riese.

Ladies and gentlemen, the Government submits that not only were the bribes paid, not only did Steinberg and Riese work together to have these bribes paid, but that there was no entrapment.

The evidence is quite clear. First of all, Mr. Steinberg and Mr. Riese had several months, really, from the time this started, from March 19th to June 12th to think about this scheme. When you talk about entrapment you talk about something that happens quickly before you have a chance to realize what you are doing. But this happened over the course of some period of time.

And then there is Mr. Steinberg who reminded Mr. Volpe and Mr. Moskowitz on June 12th that Mr. Steinberg and Mr. Riese were businessmen. They are not naive. Mr. Riese says that they are not naive. They understand what is up.

Mr. Volpe and Mr. Moskowitz from the start made it clear that what they were doing was illegal. They talked about the risk they were running and the $300,000 investment that they had in their careers. Mr. Steinberg explains to Volpe and Moskowitz they are almost clear. They have got all the aliens out of the Brew Burgers.

There is no pressure. There is nothing. Their business isn't going to be shut down if they don't go along with Volpe and Moskowitz.

As a matter of fact, Mr. Dolan, their boss, tells them not to do it. He tells them to go out and hire other people who aren't illegal so they won't have a problem. It is clear Mr. Dolan will support them if there is any problem with the Immigration Service arresting their employees or any point of extortion.

It is clear that they have plenty of time to think about this. Mr. Steinberg and Mr. Riese are told it is illegal. They are told by Mr. Dolan.

MRS. BARLOW: I object, your Honor, on the ground that there is no evidence in the record that Mr. Steinberg was told anything by Mr. Dolan. I again move for a mistrial.

THE COURT: Go ahead.

MR. IASON: It is clear that Mr. Riese is told by Mr. Dolan not to do it. The Government submits that from the beginning of the conversation on May 14th it is clear that Mr. Riese has told Mr. Steinberg about his conversation with Mr. Dolan and, in any event, the idea --

MRS. BARLOW: There is no evidence to show that Mr. Riese told Mr. Steinberg amything. I again move for

a mistrial.

THE COURT: Denied. Go ahead.

MR. IASON: The idea, ladies and gentlemen, of having aliens buy the green cards from the Immigration officers Volpe and Moskowitz was entirely the idea of Mr. Riese and Mr. Steinberg.

Excuse me, Mr. Gould. May I please be permitted to finish?

(Continued on next page.)

MR. GOULD: Well now, it was Mr. Velie who was talking to me, your Honor. I'm sorry we interrupted you, Mr. Iason, but Mr. Velie was telling me about something.

THE COURT: Let's go on without any further interruption.

MR. VELIE: Please finish.

MR. IASON: It was Mr. Riese and Mr. Steinberg who conceived of this idea, this scheme. All that Mr. Moskowitz and Mr. Volpe did was to give them the opportunity, and the only thing that Mr. Volpe and Mr.Moskowitz did was to gather the evidence of the bribe that was going on. It was Mr. Steinberg and Mr. Riese,the Government submits, the evidence shows, Mr. Steinberg and Mr. Riese created this crime and brought it to its fruition.

Thank you for being so attentive.

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MR. IASON: May it please the Court, Mrs. Barlow, Mr. Gould, Mr. Velie, Mr. Grimes, Mrs. Warren, ladies and gentlemen: The defendants' arguments, the arguments of Mr. Gould and Mrs. Barlow, stand the world on its head.

It is ridiculous to say that these two men, Mr. Volpe and Mr. Moskowitz, entrapped these two men, Mr. Steinberg and Mr. Riese.

Ladies and gentlemen, you have heard the evidence

over the last seven or eight days of the trial. I needn't repeat it to you again.

You have heard that these men, Mr. Volpe, Mr. Moskowitz, on three separate occasions were solicited by Mr. Steinberg. They didn't do anything, jump after these men, Mr. Steinberg and Mr.Riese, the first time, the second time, even the third time.

What did they do? What did Mr. Volpe and Mr. Moskowitz do that is so horrible?

The first time, Mr. Volpe told you, March 19th, he reported to his supervisor. He mentioned his supervisor, he told you in his testimony, Mr. Volpe told you that when he went back to his office on March 19th, after the arrest at the Brew Burger, he told his supervisor about the evening, and his supervisor simply told him to go back and investigate again.

So on March 31st, Mr. Volpe went back, and this time, according to Mr. Moskowitz, Mr. Moskowitz was told to stay close to Mr. Volpe. Mr. Moskowitz heard it, too. And what did they hear on March 19th and March 31st? Yes, they heard Mr. Steinberg say, "Can't we work something out?"

And Mr. Volpe told you he had heard other businessmen say that, but he also told you that something

else was added, that on March 19th and on March 31st, Mr. Steinberg also says, "We have got the Lindsay administration and the cops paid off."

Mrs. Barlow and Mr. Gould point out that this is a rather ridiculous remark, it comes out of context, it doesn't make a lot of sense.

The Lindsay administration isn't in power any more. What is it all about?

Ladies and gentlemen, we submit to you it means only one thing, that Mr. Steinberg was telling Mr. Volpe, in his way, Mr. Steinberg was saying, "And we want to buy you off, too."

Why else would he have repeated it twice, on March 19th and on March 31st?

And then on April 29th, Mr. Volpe again talks to Mr. Steinberg and again Mr. Steinberg says, "Can't we work something out?"

Ladies and gentlemen, how do we know that all this happened? What is the corroboration for it?

We know that when Mr. Volpe refers to the Lindsay administration remark on the tape there is no denial by Mr. Steinberg.

MR. GOULD: I object to that, your Honor.

MRS. BARLOW: I object, your Honor, also.

THE COURT: Mr. Reporter, may I hear what was said?

[Record read.]

MRS. BARLOW: The tape is clear that only Mr. Volpe said that, and that came out of Mr. Volpe's mouth and not Mr. Steinberg's.

THE COURT: That there is no denial by Mr. Steinberg is improper.

I will sustain the objection to that.

Mr. Iason, you will have to avoid that reference,

MR. IASON: Excuse me, your Honor.

We also know that in Defendant Riese's Exhibit A, the memorandum of April 9th for the meeting of March 31st, Mr. Volpe also wrote that, "Fred," he says, "alsc stated that his company had the Lindsay administration bought and that the police are paid not to ticket his car."

So here, too, is corroboration that that remark was said.

Mr. Gould made a lot of Defendant Riese's Exhibit G, the list showing the arrests at the Brew Burger restaurants in March 1974 through March 1976.

What does this list show? What does it show? It shows only one thing, that there were lots of illegal aliens working at Brew Burger restaurants during the

period March 1975, April 1975, May, June, 1975, and that Immigration officers were performing their duty to arrest these aliens.

Mr. Volpe and Mr. Moskowitz told you that during this period they only went in there one or two other times in addition to the times that they mentioned on March 19th and March 31st, April 29th, May 6th. They said one or two other times before that were they themselves going in there.

So what is this evidence that Mr. Gould is talking about of this concerted effort, this plan to trap Mr. Steinberg and Mr. Riese?

Ladies and gentlemen, I am not as experienced or as eloquent as Mr. Gould, so all the Government has is the evidence, and we submit the evidence shows that there was no plan to entrap Mr. Steinberg and Mr. Riese, and, in fact, they were not entrapped.

Ladies and gentlemen, listen, if you have any doubts at all, to the tape of the May 6th meeting. Who is it who brings up green cards? Who is it who first mentions giving something to Volpe and Moskowitz? And who is it who comes up with a plan to have the aliens buy the green cards and why does he have the aliens buy the green cards? Because Mr. Riese knows that this way he is going

to have somebody between him and the Immigration officers. It cuts down the risk, because that is what Mr. Riese on May 6th say he is concerned about, the risk.

He is not reluctant to do it. He is not reluctant to work something out with the agents. He wants to cut down on the risk. That is what he tells you.

And Mr. Gould tells you about the efforts of Mr. Jaffe to entrap these men, Mr. Riese and Mr. Steinberg.

Mr. Gould also put in evidence Defendant Riese's Exhibit C, the memorandum that the FBI did after talking to Mr. Jaffe -- one sentence in which, according to the FBI, Jaffe said that, "After being advised of the facts of this case, AUSA Jaffe stated that if a meet could be set up between Volpe and Steinberg and their recorded conversation would corroborate an actual bribe, he would consider prosecution."

Does that sound like a plan had been made to entrap these men?

He said if, if there is a meet, and if there is corroobration of a bribe he would consider prosecution.

With all these attacks on Volpe and Moskowitz for the lies, the way they acted May 6th and these other meetings, ladies and gentlemen, they told you they were acting as corrupt cops. Ladies and gentlemen, how else

would bribery attempts be uncovered?

Ladies and gentlemen, the Government submits that this was a perfectly legitimate means to investigate allegations that had been made.

MR. GOULD: I object to that, your Honor. There were no allegations made.

MRS. BARLOW: Objection.

THE COURT: I will overrule an objection to that.

MR. IASON: And so it is that on May 6th it is Mr. Riese who first mentions green cards and he says, "I would like to get a pass for Avenash. This is the guy I would like to get a green card for."

And Mr. Steinberg, who repeatedly says things like, "We are willing to do anything," and asks, "Do you have any ideas how we can wash your hand"? And asks again -- Mr. Steinberg asked again, "What could we do for you?"

Mr. Riese is reluctant. He is reluctant only to run the risk. He keeps talking about the risk. He is not reluctant to do it. He never mentions a reluctance to do it.

And so to cover himself, how does he end the meeting?

Mr. Steinberg tells Volpe and Moskowitz to come into any Brew Burger and call him.

So Mr. Riese makes sure that the point gets across, and he says, at the end, "Just walk in the same way you walked in tonight, you know. Just sit down," Mr. Riese says. "Just sit down and ask for Fred Steinberg."

Because Mr. Riese wants to cut the risk.

So he is going to have the aliens and Fred Steinberg out in front of him.

So it is that on May 10th, Mr. Riese -- Mr. Gould reminded you ladies and gentlemen -- Mr. Riese is told by his boss, Mr. Dolan, to have nothing to do with us.

Mr. Gould tells you that Mr. Riese, Mr. Steinberg aren't experienced, they don't know. But Mr. Riese is told by Mr. Dolan, "Have nothing to do with it."

Does he obey? Or does he go to Mr. Vashisht and does he go to Vonchan and say, "How would you like to get a greed card for $1,000?" And to the sister, "How would your brother like to get a green card for $1,000?" And does he say to Mr. Vashisht, "It's not right, but I want to do it for you"?

And does Mr. Riese show up again on May 22nd, the fake raid, or does Mr. Riese obey Mr. Dolan?

So on May 14th. Mr. Steinberg, now he has got the idea -- remember , it is Steinberg's idea, and Riese's idea as to how to work this out. The agents, Volpe and Moskowitz, never suggest having the aliens buy a green card for $1,000. It's Steinberg and Riese, and so on May 14th you hear Steinberg say, "Now, we have also told various people like we joke around, we say if we could

sell you a green card for $1,000 would you do it? We asked about 25 people. Not one person said no."

Why does Mr. Steinberg say, "We joke around"?

Ladies and gentlemen, isn't that to cut the risk again, so that no one is going to disclose what the inquiry is about, so no one will take it seriously except those who can be trusted, as Mr. Steinberg says later, the five best?

Is there any question Steinberg and Riese knew exactly what was going on and knew the dangers?

Why else is Riese so reluctant on May 6th, when you have Volpe and Moskowitz telling them about the risk that they are running, and Volpe and Moskowitz are jeopardizing their $300,000 careers, their pensions, their salaries?

Steinberg is quite clear, and he says that, "We can't go to people for money, too many people would know that a Federal agent was being paid off."

This is Steinberg on May 6th. And he says, "We're both guilty of the same crime. I give you money, I'm guilty of bribing a Federal officer, and you're the Federal officer. So that's why it's not good for me also to have people finding out that Immigration is taking money. So that's why," he says, Mr. Steinberg says, "Have the aliens give you the money. That way I'm not bribing

a Federal officer, the aliens are."

And Mr. Steinberg, this poor, naive Mr. Steinberg, reminds Mr. Volpe and Mr. Moskowitz on May 14th, he says, "I'm a businessman."

And he shows his eagerness and he says, "So, how do we start the ball rolling? We got to get together some names, right?"

And he reminds -- Mr. Steinberg reminds Volpe and Moskowitz how much smarter he is than they. He is going to make them rich. He tells them, "The way you wanted to work it, it would take you a whole year to make that much."

And so Mr. Riese recruits Vashisht and Vongchan and Mr. Steinberg recruits Pirina, Ansari and Boonamnuaysuk, and in the meantime, before June 12th, we have the meeting on May 22nd, fake raid, and what happens then?

Well, first of all, I just want to point out two things from this meeting of --

MRS. BARLOW: I am going to object to this as not proper rebuttal. This is almost a word for word repetition of the original summation and I submit rebuttal is a situation where it should be argument to the points raised in counsels' summations.

MR. GOULD: I join in that, your Honor.

THE COURT: Well, it is very difficult for me to umpire rebuttal. I would have never changed the rules if I had anything to do with it. Rebuttal is supposed to answer, of course, Mr. Iason, the arguments which were advanced by counsel for the defendants. It isn't supposed to be a repetition of the opening argument.

MR. IASON: Yes, your Honor, I understand that, your Honor, and I understand the arguments to have been that there was entrapment, and it is the Government's position there was no entrapment.

THE COURT: All right.

MR. IASON: I will be brief, your Honor. I just want to conclude with a few more points.

THE COURT: All right.

MR. IASON: First of all, on May 22nd you have the very revealing conversation where Steinberg, Riese, Volpe and Moskowitz are talking about the forms for the green cards, and Steinberg says, "All right, and I'll do the marriage form with my girl friend. I've got five or six people for the" --

And Riese says, "Are you talking about the green card?"

And Riese asked, How are they going to know this is going to happen?"

And Volpe explains to him, and Riese says, "Right."

And Steinberg asks, "I think the six should see who each other are."

And Riese says, "No, why don't you take them separately?"

And then Riese says, "And you'll give them a green card and they'll give you the" --

And then Volpe breaks in. "I need a photo."

Then Steinberg answers, he says, "Then they'll give you the money."

And Volpe says, "Give us the money and we give them the form."

And then Riese, Riese with his revealing remark, he says, "I don't know anything about this. I don't know what you're talking about, money. Fred, you must know what he's talking about."

And Fred just laughs.

Big joke.

And then then. the other big joke on May 22nd, when Mr. Riese tells Steinberg, he says, "Tell them about Romano." Remember the cook, down at 32nd and Seventh"--

MR. GOULD: I am going to object again, your Honor. This is just a rehearsal of what went on before. It is not directed to the arguments of defense counsel,

and the rule was not changed to give the Government two summations, and that is what is going on here now.

MRS. BARLOW: I join in that.

MR. GOULD: This is the exact testimony which was read again this morning.

THE COURT: Did you argue about Romano?

MR. GOULD: Never mentioned Romano.

MR. IASON: Your Honor, the questions is whether there was entrapment. This is critical testimony, critical evidence as to whether these men were entrapped and as to whether they were naive as Mr. Gould claims.

THE COURT: All right, I will permit the argument.

MR. IASON: These naive men, Mr. Steinberg and Mr. Riese, Mr. Riese says, "Tell them about Romano."

Mr. Steinberg says that, "Romano says that he has a green card. He might, although I don't even know if they're legal papers, but, even if you can't pull him, I really would appreciate it if you harassed him a little bit."

And then as the others are leaving, to get Romano, Steinberg says to Volpe, "Tell him to get a little rough with the cook."

Very naive.

And Steinberg's naivety is shown finally on

June 12th, the day of the payoffs, when again he reminds Volpe and Moskowitz how much smarter he is because they thought small, he thought big. He says, "You guys, you think too small. You guys are Immigration officers. I'm a businessman."

MRS. BARLOW: Your Honor, again I have to object. This is not material that either of us went into and it is material that Mr. Iason went into on his main summation.

THE COURT: I will overrule the objection. Go ahead.

MR. IASON: This man says, "You guys think too small. You guys are Immigration officers. I'm a businessman. You were thinking of $50 apiece, a head. You would have been making about $50 a week and there would have been time where I wouldn't have had any Thais left because since that blitz it's been green cards.

Ladies and gentlemen, the Government submits that the evidence shows that Mr. Steinberg and Mr. Riese were not pressured into committing this crime. They had several weeks to think about what they were doing.

Mr.Steinberg told you these men were businessmen. Mr. Volpe and Mr. Moskowitz made it clear what they were doing was illegal. This is clear from May 6th on.

Mr. Dolan, their boss, told Mr. Riese, "Don't

do it. Don't do it."

Did they ever go to the police, to the FBI, and tell them that they were getting pressure from Immigration officers?

Having the aliens buying the green cards was entirely Steinberg's and Riese's idea, no one else's. It was their idea, so that Steinberg and Riese would not run the risk, so that money wouldn't come from their pocket.

All Moskowitz and Volpe did, the Government submits the evidence shows, all Moskowitz and Volpe did was create the opportunity to give Steinberg and Riese the opportunity to do what they already wanted to do, Moskowitz and Volpe simply went on to gather the evidence of the crime Steinberg and Riese were committing, that Steinberg and Riese created the crime.

Ladies and gentlemen, the Government asks only that you obey the oath you took when you were sworn in as jurors and that you decide this case, which I am sure you will, on the facts and on the law as the Court will instruct you without fear or prejudice or sympathy.

Thank you.

* * *

REQUEST NO. 5

Entrapment - General Statement

The defendants have raised the defense of entrapment. Generally, the defense of entrapment comes into play where there is evidence that the criminal design originated with the Government, or evidence that the Government initiated, induced or made possible the criminal conduct charged; in short, when the Government implants the criminal design in the mind of the accused.

Sorrells v. United States, 287 U.S. 435 (1932); Sherman v. United States, 356 U.S. 369 (1958); Charge of Judge Lasker in United States v. Aronowitz, 71 Cr. 1321, pp. 554-55; United States v. Russell, 459 F. 2d 671 (9th Cir. 1972); United States v. McGrath, F. 2d (7th Cir. 1972); United States v. Archer, 486 F. 2d 670, (2d Cir. 1973).

REQUEST NO. 6

Entrapment - Policy

The defense of entrapment is not created for the purpose of being generous to defendants, but for the purpose of seeing to it that law enforcement officers observe the standards which we all want them to observe.

Quoted from charge of Judge Lasker in United States v. Aronowitz, 71 Cr. 1321, p. 554

The reason for the defense of entrapment is not that the conduct of the entrapped defendant is less wrong or less harmful than other crimes. Rather, the defense of entrapment is based on a refusal to countenance wrongful conduct on the part of the Government.

United States v. McGrath, 468 F. 2d 1027, 12 Cr. L. 2072 (7th Cir. 1972) Model Penal Code, § 2.10, Comment 1 at pp. 14-15 (Tent. Draft No. 9, 1959); United States v. Sherman, 356 U.S. 369 (1958; opinion of Justice Frankfurter).

REQUEST NO. 7

Entrapment - Government's
Creative Activity

If you find that the crimes charged here were the product of the creative activity of law enforcement officials, then you must acquit the defendants.

Sherman v. United States,
356 U.S. 369 (1958).

REQUEST NO. 8

Entrapment 1

The defendants assert as a defense to the charge that they were the victims of entrapment by agents of the Government.

The word "entrapment" that I have just used is a legal term. It has a technical meaning, not that of popular speech or colloquial ordinary usage. Therefore, I must explain the word and meaning of "entrapment" as it is used in the law.

Criminal activity is such that sometimes stealth and strategy are necessary methods to be used by law enforcement officers.

The function of law enforcement is not only the prevention of crime but also the detection and apprehension of criminals. Manifestly, that function does not include the manufacturing of crime. The defense of entrapment is based upon the policy of the law not to ensnare or entrap innocent persons into the commission of a crime. But a line must be drawn between the entrapment of the unwary innocent and the trap for the unwary criminal.

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REQUEST NO. 8 (continued)

A basic feature of entrapment is that the idea or design of committing the crimes originated with a law enforcement officer rather than with a defendant; that the defendant has no previous disposition, intent or purpose to commit the alleged offenses; and that the law enforcement officer or Government employee implanted in the mind of an innocent person the disposition to commit the alleged offense and instigated and incited its commission in order that the defendant might be arrested and prosecuted.

If you find that an agent or employee of the Government merely offorded a favorable opportunity or facilities to the defendant for the commission of the alleged crime, such conduct on the part of the Government does not constitute entrapment. Entrapment would occur only if you find that the Government agent induced the defendant to commit the crime charged in the indictment, and that the criminal conduct of the defendant was the product of the Government's activity.

If you find any credible evidence creating the reasonable possibility that agents John Volpe and Joel Moskowitz instigated and incited or otherwise induced the defendants to commit the crime charged, then the

REQUEST NO. 8 (continued)

Government must prove beyond a reasonable doubt that such inducement was not the cause or creator of the crime, that is, that the defendants had been predisposed and willing to commit the crime.

If the prosecution has satisfied you beyond a reasonable doubt that the defendants were ready and willing to commit the offenses charged, but were awaiting a favorable opportunity to commit the offense, then you must find that the inducement, if any, which brought about the actual offense was not more than the providing of what appeared to the defendants to be a favorable or timely or convenient opening or facility for the criminal activity in which the defendants may have preferred to engage; and, in such circumstances, you must find that the Government's agents have not seduced an innocent person or persons but have only provided the means for the defendants to effectuate or realize their own then existing purposes. On the other hand, if the Government fails to convince you beyond a reasonable doubt, that it merely offered an opportunity to commit a crime but, if, instead a reasonable doubt remains that the Government implanted in the minds of the defendants the disposition to do the acts charged or instigated and incited those acts in order

REQUEST NO. 8 (continued)

arrest the defendants, then you must acquit the defendants.

Adapted from charge of the Hon. William B. Herlands, in United States v. Bowe, et al., 65 Cr. 189, aff'd 360 F. 2d 1 (2d Cir., 1966), cert. denied 385 U.S. 961 (1966).

See United States v. Guidice, Docket No. 34127 (2d Cir. April 29, 1970), Slip. Op. pp. 2568-2571; see also Model Penal Code, Section 2.13(2) (1962) and Commentary, Tentative Draft 9, pp. 20, 21 (1959); N.Y. Penal Law, Section 25.00, 40.05.

REQUEST NO. 9

Entrapment - Providing the Subject Matter of the Crime; Making the Crime Possible

If you find that the subject matter of the crimes charged against the defendants were created or supplied by the Government, then you are obliged to acquit the defendants.

If you find that the circumstances which made these crimes possible were created by the Government, then you must acquit the defendants.

United States v. McGrath, 468 F. 2d 1027, 12 Cr. L. 2072 (7th Cir. 1972); United States v. Ortega, 471 F. 2d 1350 (2d Cir., December 11, 1972); opinion of Judge Medina); United States v. Dillett, 265 F. Supp. 980 (S.D.N.Y., 1966); United States v. Chisum, 312 F. Supp. 1307 (C.D. Cal., 1970); United States v. Russell, 459 F. 2d 671 (9th Cir. 1972); United States v. Bueno, 447 F. 2d 903 (5th Cir., 1971).

REQUEST NO. 10

Entrapment (2)

Entrapment occurs when the Government or its agents implants the criminal act in the mind of the defendant.

Defendants contend that they were lured, enticed and induced by fraudulent representations, persuasion, threats, implied and explicit, and other coercive tactics.

In considering the evidence in this case, you must first decide whether the prosecution has established beyond a reasonable doubt that the defendants aided or abetted the aliens in giving bribes to John Volpe and Joel Moskowitz as charged in the indictment. If you find beyond a reasonable doubt that the defendants aided or abetted the aliens, you must then consider all of the evidence and determine whether they had been induced to do so by reason of having been lured or enticed by John Volpe and Joel Moskowitz. If you find that what each defendant did was the result of the inducement, enticement or luring by John Volpe and Joel Moskowitz and that the activity of John Volpe and Joel Moskowitz goes beyond the mere offer of such an opportunity, and when the conduct of

REQUEST NO.10 (continued)

John Volpe and Joel Moskowitz is of a kind that could induce or instigate the commission of a crime by one not ready and willing to commit it then you must acquit defendants.

In summary, if you find that a defendant had no previous intent or purpose to violate the law, but was induced or persuaded by John Volpe and Joel Moskowitz to commit the crime then you must acquit that defendant.

UNITED STATES OF AMERICA

V. 76 Cr. 128

FRED STEINBERG and
DENNIS RIESE

April 1, 1976

oOo

(Trial continued.)

(Jury not present.)

THE COURT: Good morning.

Are we all here?

All right, Mr. Clerk.

(Jury present.)

THE COURT: Good morning, ladies and gentlemen of the jury.

Madam Foreman, ladies and gentlemen of the jury, this case is now about to be submitted for your decision on the issues of fact here involved and, of course, your decision on those issues determines whether your verdict as to each count and as to each defendant is guilty or not guilty.

In making your decisions you act as ministers of justice, and you discharge a responsibility and a duty

which it is not too much to call sacred.

In making your decisions you are to adopt an attitude of complete fairness and impartiality. You are to appraise the evidence fairly and objectively without any bias or prejudice in favor of or against the Government or in favor of or against either defendant.

You the jury are the sole and exclusive judges of the facts. You determine the credibility of all witnesses, the weight and meaning of all evidence. You decide any conflicts and differences in the evidence. You draw whatever reasonable inferences are justified from the facts as you may find those facts to be.

My function at this point is to give you instructions as to the applicable law. Your duty is to accept and to follow my instructions as to the law and apply them to the facts as you may find the facts to be.

In determining what the facts are, you as jurors must rely on your own recollection of the testimony and other evidence. What I may say as to any fact during these instructions and what counsel said to you yesterday in their final arguments or at any other time during the trial is not evidence, it is not binding on you, and it is not to be taken in place of your own recollection which is what controls.

There are two defendants here on trial, Mr. Steinberg and Mr. Riese. But it is your duty to give careful and separate consideration to the case of each defendant. Guilt under our system is personal and each defendant must be separately judged by the evidence applicable to him.

The fact that rulings have been made by the Court during the trial is not to be taken as any indication of any views by the Court, by me, as to what your decision should be as to the guilt or innocence of these defendants.

You are not to assume that I have any opinion as to the guilt or innocence of the defendants or the truth or falsity of any of the charges. The rulings on objections to evidence and other rulings made during the trial deal with matters of law with which, as I have emphasized before, the jury is not concerned.

Rulings made during the trial as to the admissibility of evidence should not be considered by you in any respect. And in this connection I should say that counsel not only have the right but they are also under a duty to present whatever legal objections there may be to the admissibility of evidence. Of course, statements made by counsel in argument as to the admissibility of

evidence are not themselves evidence.

Now I should also remind the jury that what is said between the Court and counsel during the trial should be disregarded, and in this connection I am reminded of the frailty of human nature. Sometimes judges are impatient. From time to time, I have been impatient with counsel. It is a fault on my part and you are asked to forgive and to disregard it.

Counsel on both sides have been able, devoted, and their zeal on behalf of their respective clients is commendable.

I also should remind the jury that occasionally I may have asked questions of one witness or the other. If so, it was solely in an attempt to make something clear for the jurors and should not be taken as any indication of any opinion by me as to the guilt or innocence of either defendant or as to the credibility of any witness.

The fact that the Government is a party and that the prosecution is brought in the name of the United States of America does not entitle the Government or its witnesses to any greater consideration than that accorded to any other party.

At the same time, the Government and its witnesses are entitled to no less consideration. All parties,

Government and individuals alike, stand as equals here befor the bar of justice.

The Government has the burden of proof to establish the charges against the defendants beyond a reasonable doubt. It is a burden which never shifts and it remains with the Government throughout the trial.

A defendant does not have to prove his innocence. On the contrary, he is presumed to be innocent of the accusations contained in the indictment.

The presumption of innocence disappears only if and when you are satisfied that the Government has sustained its burden of proving the guilt of a defendant beyond a reasonable doubt.

And in weighing the evidence to determine whether the proof has been beyond a reasonable doubt you should consider the quality and substance of the evidence and not the quantity or the number of witnesses.

Now we speak so frequently, as you heard, of proof beyond a reasonable doubt. What is a reasonable doubt? It is a doubt founded on reason and arising from the evidence or the lack of evidence. It is a doubt which a reasonable person has after carefully weighing all the evidence. It is a doubt which is substantial and not merely shadowy.

A reasonable doubt is one which appeals to your reason, your experience, your judgment, your common sense. It is not an excuse to avoid the performance of an unpleasant duty. It is not sympathy for a defendant.

A reasonable doubt is not a vague, speculative, imaginary doubt, but such a doubt as would cause prudent people to hesitate before acting in matters of importance themselves.

If you are confronted with an important decision, and if after reviewing all the factors that are pertinent, you are beset with uncertainty, with doubt, unsure of your judgment, then you have a reasonable doubt and, conversely, taking into account all the elements that pertain to the problem, if you have no uncertainty and no reserve about your judgment, then you have no reasonable doubt.

Now, members of the jury, proof beyond a reasonable doubt does not mean proof as to a positive certainty, nor does it mean proof beyond all possible doubt. If that were the rule, few men or women, however guilty, would ever be convicted because it is virtually impossible for a person to be absolutely and completely convinced of any controverted fact which is not capable of being proved to a mathematical certainty.

In consequence, the law in a criminal case is

that it is sufficient that the guilt of a defendant be established beyond a reasonable doubt and not beyond all possible doubt.

Now, the indictment, as I believe I reminded the jurors several times, is merely an accusation. It is a charge. It is not evidence and it is not proof of the guilt of either defendant.

You should not give any consideration or weight to the fact that an indictment has been returned against these defendants. They have each pleaded not guilty.

Now, Madam Foreman, members of the jury, up to this point these have been instructions as to general principles of law. Now we are about to address ourselves to the subject matter of the indictment here on trial.

Before we discuss the charges in detail, we should look at some of the background.

You know, of course, that there are citizens of the United States and other persons who are aliens, that is, they are not citizens of the United States. All citizens of the United States are entitled of right to be in this country.

(Continued on next page.)

Aliens are entitled to be in this country under certain conditions. In this case on trial a number of aliens are involved, but for the issues which you the jury are to decide it is of no moment whether these aliens were in this country legally or illegally.

Under the law, however, all aliens in this country for 30 days or longer and who are above 14 years of age are required to apply for registration and to be fingerprinted.

The law further provides that every alien who has been registered and fingerprinted shall be issued an alien registration receipt card.

Now, this alien registration receipt card is the green card to which you have heard many references.

The law further requires that every alien shall at all times carry with him and have in his personal possession an alien registration receipt card as issued to him.

It is of no relevance to any issue here whether any of the aliens involved were or were not entitled to have green cards, the alien registration receipt cards to which I just referred.

But I wanted to mention this point of the background situation for your information.

Now, members of the jury, we turn to the indictment and to the specific offenses charged. There are seven

charges, seven separate charges, as you may remember, each stated in a separate section of the indictment called a count. You need not try to remember the numbers of the separate counts as we discuss them. I propose to give a copy of the indictment to Madam Foreman for your convenient use during your deliberations.

I believe it will be easier for you if we just take up Counts 3, 4, 5, 6 and 7. These counts all charge the same offense, but involve different aliens. Each of these counts charges the two defendants, Mr. Steinberg and Mr. Riese, with aiding and abetting an alien to violate a Federal law against the bribery of public officials.

The law applicable to each of these Counts 3, 4, 5, 6 and 7 is Section 201(b) of Title 18 of the United States Code, which provides in pertinent part as follows:

"Whoever directly or indirectly, corruptly gives, offers or promises anything of value to any public official, or offers or promises any public official to give anything of value to any other person or entity, with intent to influence any official act or to influence such public official to commit or aid in committing or collude in or allow any fraud or make opportunity for the commission of any fraud on the United States, or to induce such public official to do or to omit to do any act in violation of his

lawful duty, shall be guilty of an offense."

For you to find a defendant guilty of a violation of the law as charged in the third, fourth, fifth, sixth and seven counts of the indictment, the Government must prove beyond a reasonable doubt each of these essential elements:

First, that money or something else of value was given or promised to a public official;

second, that this was done knowingly and corruptly; and

third, that this was done with the intent to influence an official act or to influence such public official to commit, aid in, or allow any fraud, or make opportunity for the commission of any fraud on the United States, or to induce the public official to do or not to do some act in violation of his official duty.

In this connection I instruct you that as a matter of law Immigration officers Volpe and Moskowitz were public officials within the meaning of the applicable statute.

Now, to do an act knowingly is to do it deliberately and intentionally and not by accident or mistake or some other such innocent reason.

To do an act corruptly means simply to do it with a bad or evil motive or with a bad or evil purpose.

It is not an element of the offense that the official offered, promised or given something of value be in fact influenced or that the official act intended to be influenced be an improper or illegal act.

It is also no defense that the official act sought to be influenced would have been done anyway, whether or not the bribe were offered or promised.

The purpose of the statute is to discourage anybody from seeking an advantage by attempting corruptly to influence a public official regardless of the kind of official act sought to be influenced.

The offense is complete when the bribe is offered, promised or given with the necessary corrupt intent. What happens thereafter is irrelevant. Indeed, if a bribe is offered with the necessary corrupt intent the offense has been committed even if the public official should refuse the bribe.

Now, against that explanation of the law I am going to read Count 3.

Count 3 reads as follows:

"The Grand Jury further charges:

"From on or about March 31, 1975, up to and including June 12, 1975, in the Southern District of New York, Fred Steinberg and Dennis Riese, the defendants, unlawfully,

wilfully, and knowingly did aid, abet, counsel, command, induce and procure Giovanni Pirina unlawfully, wilfully and knowingly, directly and indirectly, corruptly to give and offer things of value, to wit, $1,000 in United States currency, to public officials of the United States, namely, John Volpe and Joel Moskowitz, Criminal Investigators of the Immigration and Naturalization Service, United States Department of Justice, with intent: (a) to influence official acts; (b) to influence said public officials to commit and aid in committing, and collude in, and allow, a fraud, and make opportunity for the commission of a fraud, on the United States; and (c) to induce said public officials to do and omit to do acts in violation of their lawful duties, to wit, to influence and induce said public officials fraudulently to provide Giovanni Pirina with an Alien Registration Receipt Card to which Pirina was not then lawfully entitled under the Immigration laws of the United States."

And, of course, to this count as to all the other counts in the indictment, the defendants have each pleaded not guilty, which raises the issues here to be decided.

Now, Count 4 is identical to Count 3 except that instead of Pirina, Count 4 names as the alien involved Avinash Vashisht.

Coun is the same as Counts 3 and 4 except that Count 5 names as the alien involved Chayanon Vongchan.

Count 6 is the same as Counts 3, 4 and 5, except that it names Mohammad Ansari as the individual alien the defendants are charged with having aided and abetted in a violation of the law.

And finally, Count 7 is identical with the other counts to which I have referred except that it names PJ -- I hesitate to try to pronounce his name -- Phairoj Boonamnuaysuk -- but he said he was often called PJ.

And Count 7 names PJ as the alien the defendants are charged with having aided and abetted to violate the law.

Now, members of the jury, in connection with these counts, Counts 3 through 7, you notice that the defendants are not themselves charged with giving money to public officials. As to these counts the Government relies on Section 2 of Title 18 of the United States Code, which reads in relevant part as follows:

"Principals. Whoever commits an offense against the United States or aids, abets, counsels, commands, induces or procures its commission is punishable as a principal. Whoever willfully causes an act to be done which, if directly performed by him for another would be an offense against the United States, is punishable as a principal."

Now, this means that not only is the person who commits an illegal act, the person usually called a principal, guilty, but anyone who aids and abets him in the commission of the act is likewise guilty of committing that illegal act.

Now, in order to find that a defendant aided and abetted another to commit the offenses charged in these counts, you must find that the defendant in some way associated himself with the criminal venture, that he participated in it as something he wished to bring about, that he by his act or acts endeavored to make it succeed.

In determining this question, you may consider whether a defendant had a stake in the venture. The participation by a defendant may be shown by any act designed to promote or further the crime, even of relatively slight importance, which you find was committed by a defendant. But to find a defendant guilty of aiding and abetting you must find something more than mere knowledge that a crime was being committed, because a spectator at a crime is not a participant.

It is not necessary, however, to find that a defendant himself did any of the acts since participation in the crime can, for example, be found if you find that he counseled and helped, aided and abetted another to

commit the crime.

Now, Madam Foreman, ladies and gentlemen of the jury, let us turn to the first count, the conspiracy count.

The first count in the indictment charges the two defendants with a conspiracy to violate the Federal bribery statute which I explained to you.

A conspiracy, which is sometimes called a partnership in crime, because it involves collective or organized action, presents a greater potential threat to the public interest than the illegal activity of a single wrongdoer.

Group association or organized activity renders detection more difficult than in the instance of a single individual.

For this and other reasons Congress has enacted a special law which provides that any person who conspires to violate a Federal law is guilty of a separate offense.

Now, Madam Foreman, ladies and gentlemen of the jury, I will read the first count to you.

"The grand jury charges:

"1. From on or about January 1, 1975, up to including the date of the filing of this indictment, in the Southern District of New York, Fred Steinberg and Dennis Riese, the defendants, and Giovanni Pirina, Chayanon Vongchan, Avinash Vashisht, Mohammad Ansari,

Phairoj Boonamnuaysuk, Phanvika Tansuttivanich, named as co-conspirators but not as defendants, and other persons to the grand jury known and unknown, unlawfully, willfully and knowingly, together and with each other did combine, conspire, confederate and agree to violate Title 18, United States Code, Section 201(b), and to defraud the United States.

"2. It was part of said conspiracy that the defendants and their co-conspirators would and did directly and indirectly, corruptly give, offer and promise things of value to certain public officials of the United States, namely, John Volpe and Joel Moskowitz, Criminal Investigators of the Immigration and Naturalization Service, United States Department of Justice, with intent: (a) to influence official acts; (b) to influence said public officials to commit and aid in commiting, and collude in, and allow, a fraud and make opportunity for the commission of a fraud on the United States; and (c) to induce said public officials to do and to omit to do acts in violation of their lawful duties, that is, (1) to influence and to induce said public officials fraudulently to provide certain aliens with Alien Registration Receipt Cards (green cards), to which said aliens were not then lawfully entitled under the Immigration laws of the United States,

and (2) to influence and induce said public officials to disclose to the defendants confidential, official information about INS investigations relating to aliens illegally employed at Brew Burger Restaurants for the purpose of influencing the course of such investigations and for the purpose of voiding and preventing the arrests of such aliens.

"3. It was a further part of said conspiracy that the defendants and their co-conspirators would and did defraud the United States and its departments and agencies in connection with the performance of their lawful governmental functions by obstructing and hindering, by deceit, craft, trickery and dishonest means, the Immigration and Naturalization Service of the United States Department of Justice in the due and proper administration and enforcement of the Immigration laws of the United States, and by depriving the Immigration and Naturalization Service of its lawful right to have its officers free to perform properly, impartially and honestly their official functions unhindered and uninfluenced by the exertion on them of dishonest, unlawful and undue pressure and unhindered and uninfluenced by the offer and payment to them of any gratuities, bribes or other things of value.

"4. Among the means by which the defendants and

their co-conspirators would and did carry out their agreed upon unlawful purposes were the following:

"(a) The defendants Fred Sterinberg and Dennis Riese offered Immigration and Naturalization Service Criminal Investigators John Volpe and Joel Moskowitz bribes in exchange for receiving of confidential, official information about and influencing the course of Immigration and Naturalization Service investigations of aliens working illegally at Brew Burger Restaurants.

(Continued on next page.)

"(b) The defendants Fred Steinberg and Dennis Riese arranged for co-conspirators Giovanni Pirina, Chayanon Vongchan, Avinash Vashisht, Mohammad Ansari, Phairoj Boonamnuaysuk, to pay Immigration and Naturalization Service Investigators John Volpe and Joel Moskowitz $5,000 in cash in exchange for green cards to which said co-conspirators were not then lawfully entitled.

"OVERT ACTS

"In furtherance of, and to effect the objects of the conspiracy, certain overt acts were committed by the defendants in the Southern District of New York, including the following:

"1. On or about March 31, 1975, the defendant Fred Steinberg solicited Immigration and Naturalization Service Criminal Investigator Volpe's and Moskowitz' participation in a corrupt arrangement in connection with arrests of aliens working illegally at Brew Burger restaurants.

"2. On or about April 29, 1975, the defendant Fred Steinberg solicited Immigration and Naturalization Service Criminal Investigator Volpe's participation in a corrupt arrangement in connection with arrests of aliens working illegally at Brew Burger restaurants.

"3. On or about May 6, 1975, the defendants

Fred Steinberg and Dennis Riese met with Criminal Investigators Volpe and Moskowitz at the Brew Burger restaurant, 109 East 42nd Street, New York, New York and discussed with them the payment of bribes to Volpe and Moskowitz in exchange for confidential information as to investigations which would involve the arrest of aliens working illegally at Brew Burger restaurants.

"4. On or about May 6, 1975, the defendant Dennis Riese met with Criminal Investigators Volpe and Moskowitz at the Brew Burger restaurant, 109 East 42nd Street, New York, New York, and in the presence of the defendant Fred Steinberg, asked Criminal Investigators Volpe and Moskowitz if they could get a green card for Avinash Vashisht, an alien working illegally at a Brew Burger restaurant.

"5. On or about May 14, 1975, the defendant Fred Steinberg met with Criminal Investigators Volpe and Moskowitz at the Brew Burger restaurant on 52nd Street and Third Avenue and offered to arrange the purchase of green cards by illegal aliens for $1,000 per green card.

"6. On or about May 22, 1975, the defendants Fred Steinberg and Dennis Riese met with Criminal Investigators Volpe and Moskowitz in front of the Brew Burger restaurant at East 41st Street and Second Avenue, New York,

New York, and discussed arrangements to be made for the payment of bribes by illegal aliens in exchange for obtaining green cards to which they were not lawfully entitled.

"7. On or about May 22, 1975 the defendants, Fred Steinberg and Dennis Riese requested Criminal Investigators Volpe and Moskowitz to terminate investigations and arrests of illegal aliens at five specified Brew Burger restaurants.

"8. From on or about May 27, 1975 through on or about June 9, 1975 the defendants Fred Steinberg and Dennis Riese prepared, assisted in the preparation and signed Immigration and Naturalization Service forms on behalf of Phanvika Tansuttivanich, Giovanni Pirina, Avinash Vashisht, Chayanon Vongchan, Mohammad Ansari and Phairoj Boonamnuaysuk.

"9. On or about June 10, 1975 the defendant Fred Steinberg directed Giovanni Pirina, Avinash Vashisht, Chayanon Vongchan, Mohammad Ansari and Phairoj Boonamnuaysuk to go to Room 2147 of the Commodore Hotel on June 12, 1975 and to bring $1,000 in cash.

"10. On June 12, 1975, the defendant Fred Steinberg and Phanvika Tansuttivanich went to the Commodore Hotel and received a green card for Phanvika Tansuttivanich.

"11. On June 12, 1975, Giovanni Pirina, Avinash Vashisht, Chayanon Vongchan, Mohammad Ansari and Phairoj Boonamnuaysuk went to the Commodore Hotel and each paid Immigration and Naturalization Service Criminal Investigators Volpe and Moskowitz $1,000 in exchange for a green card."

Now, that is the charge in the first or conspiracy count and, as I have said, the defendants have pleaded not guilty to that count and the other counts as well.

In order to convict each of the defendants on the first count, the Government must prove beyond a reasonable doubt the following essential elements:

First, the existence of the conspiracy as charged in the first count of the indictment;

second, that the defendant Steinberg and that the defendant Riese each knowingly associated himself with that conspiracy; and,

third, that one of the conspirators knowingly committed in the Southern District of New York, which so far as this case is concerned means the Island of Manhattan, at least one overt act at or about the time and place alleged in the indictment.

It is not required that the Government prove that a conspiracy started and ended on the precise dates alleged

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in the indictment. It is sufficient if you find that in fact a conspiracy was formed and existed for some time within that period and that at least one overt act was committed in that period in furtherance of the conspiracy.

Now, members of the jury, the offense of conspiracy is complete when the unlawful agreement is made and any single overt act is thereafter knowingly committed by at least one of the co-conspirators.

Now, members of the jury, the question, of course, arises: What is a conspiracy. Essentially, it is a combination or an agreement of two or more persons by concerted action to accomplish a criminal or unlawful purpose as charged in the first count here, to violate the Federal Bribery Statute.

The gist of the crime of conspiracy is an unlawful combination or agreement to violate the law.

Whether or not the conspirators accomplish what it is they allegedly conspired to do is immaterial to the question of their guilt or innocence of the charge of conspiracy. In other words, the success of the conspiracy need not be proven.

A conspiracy has sometimes been called a partnership in crime, a partnership in criminal purpose, in which each member becomes the agent of every other member.

To establish a conspiracy the Government is not required to show that two or more persons sat down around a table and entered into a solemn compact orally or in writing, stating that they had formed a conspiracy, setting forth the details of the plan, setting forth the part each was to play.

It would be most extraordinary if there ever were any such agreement. Your common sense will tell you that when men or women or both are in fact undertaking to enter into a criminal agreement much is left to unexpressed understandings.

From its very nature a conspiracy is almost invariably secret in its origin and secret in its execution. It is sufficient if two or more persons in any manner, through any contrivance, impliedly or tacitly, come to an understanding in common to violate the law. Express language or specific words are not required to indicate assent or attachment to a conspiracy.

Now, in determining whether there has been an unlawful agreement, you may judge acts and conduct of the alleged members of the conspiracy which are done to carry out an apparent criminal purpose. Usually the only evidence available is that of disconnected acts, which acts, when taken together, in connection with each other, show a conspiracy or agreement to secure a particular result as satisfactorily and as conclusively as more direct proof.

If, for example, several persons gather together and shortly thereafter there is concerted action among them, with each doing something related with activities

of the others, all of which contribute in the same or similar manner toward the accomplishment of the same unlawful purpose, such evidence would support the inference that those persons had conspired to accomplish that purpose.

If you do conclude that a conspiracy as charged in this first count did exist, you must next determine whether each defendant on trial was a member of the conspiracy, that is, did he knowingly associate himself with the conspiracy? And in making this determination, you should examine and consider all the relevant evidence.

Now, I said once before, and I repeat it here, to do an act knowingly means to do an act voluntarily and not because of mistake or carelessness or accident or some other such innocent reason.

Now, members of the jury, mere association of a defendant with an alleged conspirator or even mere knowledge of the conspiracy does not alone establish his participation in the conspiracy if you find, in fact, that a conspiracy did exist.

In determining whether defendant was a member of the conspiracy, you should consider whether in some sense he promoted the venture, made it his own.

If there was in fact a partnership in crime,

then any act, statement or declaration of one partner in furtherance of the partnership purposes, becomes the act and statement of all the other partners, even though in a given case they might not even be present.

Now, you remember that when I read the first count we came to a section of the count which used the expression "overt acts," and I should explain to you what an overt act is.

There must be proof of at least one overt act for a conviction under the first count.

An overt act is any step, action or conduct which is taken to achieve, accomplish or further the object of the conspiracy, and it might be helpful, perhaps, if I were to refer to the reason why Congress has required the commission of at least one overt act.

The purpose of requiring proof of at least one overt act is that while parties might conspire and agree to violate the law, they might change their minds before taking any step to accomplish their purpose, and if they do change their minds and do nothing to accomplish the agreement, then it would not constitute an offense.

Now, an overt act need be neither itself a criminal act nor the very crime which is the object of the conspiracy. Indeed, an overt act can be an entirely

innocent act in itself. But if it is an act to further, to accomplish the object of the conspiracy, then it is an overt act as that term is used in the law.

Now, members of the jury, the guilt of a conspirator is not governed by the extent or duration of his participation in the conspiracy or whether he had knowledge of all the operations and all the conspirators. Some conspirators play minor parts; others play major parts. Even if a conspirator joined the conspiracy after it was formed and was engaged to a degree more limited than that of other conspirators, he is equally culpable so long as you find that he was a member of the conspiracy.

In a word, it is not required that a person be a member of the conspiracy from the start. He may join it at any point during its progress and be held responsible for all that went on before and all that may be done thereafter, so long as he remains a member of the conspiracy.

Now, a word about intent. Intent, of course, involves the state of mind of a person, and while it is a fact, it is a fact which it is impossible to prove by direct evidence short of an express admission by a defendant.

Like any other fact, intent may be proved by

circumstantial evidence and proof of the circumstances surrounding a given transaction may supply an adequate and convincing basis for finding the intent of the defendant.

Now, we have one last count to consider. That is Count 2. But before coming to that count and reading it, I think it would be a good idea for us to take a short break.

These instructions are necessarily a little lengthy, and I think we should stretch a little bit, so you may retire to the jury room for a few minutes, and we will resume in a moment.

(Jury left the courtroom.)

THE COURT: Suppose we take a few moments break.

(Recess.)

(Jury not present.)

THE COURT: All right, Mr. Clerk.

(Jury present.)

THE COURT: Now, members of the jury, we were about to consider the last of the seven counts to be discussed, and that is Count 2, which reads as follows:

"The grand jury further charges:

"From on or about March 31, 1975, up to and including June 12, 1975, in the Southern District of New

York, Fred Steinberg and Dennis Riese, the defendants, unlawfully, willfully and knowingly, directly and indirectly, did corruptly offer things of value, to wit, free meals at restaurants owned by the family of the defendant Dennis Riese, to public officials of the United States, namely, John Volpe and Joel Moskowitz, Criminal Investigators of the Immigration and Naturalization Service, United States Department of Justice, with intent: (a) to influence official acts; (b) to influence said public officials to commit and aid in commiting, and collude in, and allow, a fraud, and make opportunity for the commission of a fraud, on the United States; and (c) to induce said public officials to do or omit to do acts in violation of their lawful duties, to wit, to influence and to induce said public officials to disclose confidential, official information about Immigration and Naturalization Service investigations of aliens illegally employed at Brew Burger Restaurants, to influence the course of such investigations, and to avoid and to prevent the arrests of certain aliens illegally employed at such restaurants."

(Continued on next page.)

The charge here is a violation of the same statute I explained to you in connection with the first group of counts we considered, Counts 3, 4, 5, 6 and 7.

For you to find a defendant guilty on Count 2, the Government must prove beyond a reasonable doubt each of the following essential elements:

First, that free meals were offered to public officials Volpe and Moskowitz;

second, that this was done knowingly and corruptly; and,

third, that this was done with intent to influence an official act or to influence the public officials to commit, aid or allow any fraud or to make an opportunity for the commission of a fraud on the United States, or to induce the public officials to do or not to do some act in violation of their official duty.

Now, Madam Foreman, ladies and gentlemen of the jury, each of the defendants asserts as a defense that he was the victim of an entrapment. Now, this expression entrapment is a legal one having a meaning which may not be the same as that of popular speech or colloquial usage.

A basic feature of entrapment in the legal sense is that the idea or design of committing the crime originated with a law enforcement officer rather than with

the defendant, that the defendant had no previous disposition, intent or purpose to commit the offense, that the law enforcement officer implanted in the mind of an innocent person the disposition to commit the alleged offense, and that the law enforcement officer instigated and incited the commission of the offense in order that the defendant might then be arrested and prosecuted.

The defense of entrapment is based upon the policy of the law not to ensnare or entrap innocent persons into the commission of a crime. But a line must be drawn between the entrapment of the unwary innocent and the trap for the unwary criminal.

In this connection, it may be pointed out that law enforcement agencies frequently use investigations and informants in order to enforce the laws.

The use of such methods is not in any way forbidden by law. This is so because criminal activity is such that sometimes stealth and strategy are necessary to cope with it. Whether or not the jurors personally agree with the policy of using such methods, you must bear in mind that they are not unlawful. Therefore, the defense of entrapment is not available if the Government merely induced the commission of the offense.

Inducement, of course, includes soliciting,

proposing, initiating, broaching, suggesting the commission of the offense charged.

Even if there was inducement by the Government, the defense of entrapment is not available if you find from the evidence beyond a reasonable doubt that a defendant was ready and willing to commit the crime, such as that charged in the indictment, whenever the opportunity was offered, and the Government merely offered the opportunity.

If, on the other hand, you should find that a defendant had no previous interest or purpose or intent to commit any offense of the character here charged and did so only because he was induced or persuaded or talked into it, so to speak, by some agent of the Government, then the defense of entrapment is a good defense and the jury in that event should acquit such a defendant.

Now, as to the burden of proof on the issue of entrapment, if you find that there is some evidence of inducement by a Government agent or agents of the illegal conduct, then the Government has the burden of proving beyond a reasonable doubt that such inducement did not cause or create the offense in that a defendant was ready and willing to commit the offense.

Now, perhaps we should speak for a moment about witnesses and the credibility of witnesses.

In weighing and determining the credibility of witnesses, you will rely on your experience in everyday business and social life.

As practical men and women, you have drawn the benefits of your experience. If you find that any witness testified falsely as to any material fact, you may reject the whole testimony of that witness or you may accept such part as you do believe or you may find corroborated by other evidence in the case.

You may also consider whether a witness has any interest in the matter on trial which might affect his testimony.

You may consider this interest in weighing the testimony.

An interested or motivated witness is not necessarily unworthy of belief. It is only a factor to be considered by the jury in determining what weight to give the testimony.

And in this connection you recall the Government called as witnesses a number of persons who openly admitted their involvement in the offenses here charged. These witnesses were the aliens Pirina, Vashisht, Vongchan, Ansari and PJ.

In the eyes of the law they are accomplices in the same offenses charged against the defendants here on trial.

In the prosecution and detection of crime, the Government, of necessity, is frequently compelled to rely upon the testimony of accomplices. Often it has no choice in the matter. The Government must take the witnesses to a transaction as it finds them.

An accomplice does not become incompetent as a witness because of participation in the criminal act charged. If accomplices could not be used, in many instances it would be difficult, if not impossible to prosecute wrongdoers.

Frequently it happens that only those who participated have evidence which is relevant and important if a prosecution is to succeed. There is no requirement in the Federal Court that the testimony of an accomplice be corroborated.

A conviction may rest on the uncorroborated testimony of an accomplice, if you find it credible and believable. Of course, in this instance, you understand the Government does claim that the testimony of accomplice witnesses is corroborated by other proof of other witnesses.

The fact that a number of Government witnesses

are accomplices may be considered by you as bearing on their credibility. However, it does not follow that because a person has acknowledged participation in a crime and is an accomplice that he is not capable of giving a truthful version of what occurred. His testimony, however, should be viewed with great caution and scrutinized carefully.

Now, a word about the recordings. During the course of the trial several tape recordings were admitted into evidence as well as several transcripts which purport to reflect the conversations on the recordings. The transcripts are offered and received as aids in your comprehension of the tape recordings. They are not independent evidence of the conversations, and in your understanding of the taped conversations, you should be guided by what you heard on the tapes, and the transcripts are simply as aids in that endeavor.

Now, members of the jury, we come really to the end of these instructions, and I want to say that each of you jurors is entitled to his or her opinion. You should, however, exchange views amongst yourselves each with your fellow jurors. That is the very purpose of jury deliberation, to consider the evidence, to discuss the evidence, to listen to the arguments of fellow jurors, to consult with one another, and to reach a verdict based solely and wholly on the evidence, if you can do so without violence to your individual judgment.

Each one must decide the case for himself or herself, but you should not hesitate to change an opinion which after discussion with your fellow jurors appears to be mistaken in the light of the discussion viewed against

the evidence and the law.

You are not to yield your conviction, however, simply because you are outnumbered or outweighed. Your final vote should reflect your conscientious conviction as to how the case should be decided.

Now, members of the jury, any verdict must be unanimous, that is, as to each defendant and on each count, the verdict must be unanimous.

The jury is not to consider or in any way to speculate as to the punishment which a defendant may receive if he is found guilty.

Under your oath as jurors you cannot allow a consideration of the punishment which may be imposed upon a defendant, if he is convicted, to influence your verdict in any way or in any sense to enter into your deliberations.

The function of the jury is to determine the guilt or innocence of a defendant on the basis of the evidence and instructions as to the law.

It is the Court, the judge alone, who has the responsibility and the duty of determining the sentence, if there is a conviction.

The charges here, members of the jury, are most serious. The just determination of this case is important to the public. It is equally important to each of these

defendants.

Under your oath as jurors, you must decide this case without fear or favor and solely as I have said in accordance with the evidence and the law.

If the Government has failed to carry its burden as to any count or counts as to a defendant your sworn duty is to bring in a verdict of not guilty as to such count or counts.

If the Government has carried its burden as to any count or counts against a defendant, you must not flinch from your sworn duty, but you must bring in a verdict of guilty on such count or counts.

The case of each defendant should be considered separately as if he were alone on trial. Thus, there are various possible verdicts. You may find each defendant guilty. You may find each defendant not guilty. You may find each defendant guilty on some counts and not guilty on other counts.

I am not suggesting any of these alternatives to you. I am merely trying to make it clear that you must consider the guilt or innocence of each defendant separately and that each count of the indictment ought to be considered separately as to each defendant.

Now, Madam Foreman, I am giving you a copy of

the indictment for the convenient use of the jury during its deliberations.

(Handed to jury.)

I repeat again, the indictment is not evidence. It is simply the charge, the accusation.

I am also giving Madam Foreman a form to be used simply as a guide for returning your verdict on each count as to each defendant. This form is not to be signed. It is only for your convenient use.

(Handing.)

Your verdict will be returned orally in open Court by Madam Foreman and, of course, it goes without saying that this form is not intended to nor should it in any way influence your verdict.

If during your deliberations you wish to see any of the exhibits, Madam Foreman should send out a note by the marshal and we will send the requested exhibits in to you.

If you should wish any testimony read to you, Madam Foreman should likewise send a note by the marshal and your request will be considered and if granted arrangements will be made.

Now we have reached that part of the trial where we must excuse our alternate juror, Miss Gibbs. I hope

you realize that although we must, according to our practice, now excuse you, you have served as effectively and as faithfully as if you were to deliberate as one of the twelve.

You realize that we must have alternate jurors as a protection against emergencies because if we don't have alternate jurors, we have to start at the beginning and have the whole trial over again, and, indeed, you have seen that we lost one during this trial.

Miss Gibbs, thank you very much.

Mr. Clark [illegible]

* * *

* * *

THE COURT: Mr. Iason, any exceptions?

MR. IASON: Your Honor, one problem that the Government has is that I understood you to be saying at the beginning of your instructions, when you were explaining the alien registration receipt cards, the green cards, to the jury, I understood the Court to say to the jury that if an alien registered, he must be given a green

card, and I understood that to be saying that any alien was entitled to a green card without any standards or requirements being enforced by the Immigration laws, and the problem with this is that the jurors could come in and think if any alien could simply get a green card, what is this all about? I know the Court did tell the jurors at the conclusion of that section that whether an alien was entitled to a green card was not an issue in this case, whether these aliens were entitled to a green card, but I do think that there is a problem here, and as I heard the Court's instructions it was tantamount to saying that any alien in the country was entitled to a green card.

THE COURT: I said that all aliens in this country, for 30 days or longer, and who are above 14 years of age, are required to apply for registration and to be fingerprinted. The law further provides that every alien who has been registered and fingerprinted shall be issued an alien registration receipt card. That is Section 1304(d) of Title 8.

(Continued on next page.)

MR. IASON: Yes, your Honor, and the impression I had from that was that all you had to do was, like with the Draft Board,you go in and register, and every alien that is in the country must register; once he registers, he shall be issued a green card.

THE COURT: That is what it says. That is what the law says.

MR. GOULD: That's the law.

MR. IASON: But only if he is entitled to a green card.

THE COURT: That's not what the law says. Have you read it?

MR. GOULD: I think he is under a misapprehension your Honor. We have done some research. Your Honor is absolutely right. He gets a green card. They are all entitled to green cards. What he doesn't get is that endorsement on the green card which authorizes him to work, and so when these people were talking about getting a green card, they were talking somewhat loosely. The aliens all had a kind of green card, but it did not have that employment.

Look at the exhibits, on the back of the exhibits, when Volpe handed these people the green cards, all that he had put on it was they were authorized to be

employed.

So I think it is dangerous to open this subject up. I think his Honor's statement of what the law was on that is completely accurate. That is what we found out when we looked into it.

THE COURT: I made a note as to the section.

MR. GOULD: 1304.

THE COURT: (d).

MR. GOULD: That's what we have. I think we should leave it alone.

THE COURT: I am afraid there is nothing else I can do about it.

Anything else?

MR. IASON: No, sir.

THE COURT: Miss Barlow?

MRS. BARLOW: I would like to except to the Judge's charge in its entirety in that although your Honor granted my requests to charge and stated that you would charge in sum and substance all those items that I requested, I think that the change in phraseology changed the intent and the strength with which they were put before the jury.

THE COURT: All right. Mr. Gould?

MR. GOULD: If your Honor pleases, I have a little difficulty with one thing, and I am not sure I

heard it right or made the correct note.

Your Honor, in trying to explain that in order for them to give effect to an act, they had to find that the act was done voluntarily, you then said something about how an act that was done by mistake was not a voluntary act, and I respectfully ask your Honor to charge the jury that an act which is done as a result of coercion or trickery is not an act to which they can give effect any more than they can give effect to one that is done by mistake.

I think that is peculiarly applicable to the facts in this case. Since your Honor did refer to mistake, I respectfully suggest that there should be added to that mistake, coercion, trickery or any other event which divests a man of his ability to act freely.

THE COURT: No, I gave the charge in my standard form. To do an act knowingly is to do it deliberately and intentionally and not by accident or mistake or for some other innocent reason.

MR. GOULD: You see, your Honor, what I am concerned about is when you say not by accident or mistake or some other innocent reason, I think that it is fair to say not by accident or mistake or as a result of coercion or trickery.

THE COURT: I am not going to change it.

MR. GOULD: Very well, sir.

Now, with respect to your Honor's charge on entrapment, I ask your Honor to charge that the defense of entrapment is created for the purpose of seeing that law enforcement officers observe certain standards which we want them to observe, that is, which the public wants them to observe.

That is taken from what Judge Lasker said in the Aronowitz case which was in the material which was submitted to your Honor.

THE COURT: I have charged all I am going to charge on entrapment.

MR. GOULD: Let me just put down the specific suggestions.

I don't want to waste everybody's time.

THE COURT: I told you I used the charge used in the Barash case which was affirmed in the Court of Appeals. It seemed to me sane to use it.

MR. GOULD: I have no quarrel with that. The only thing is in the peculiar circumstances of this case, where the whole defense is entrapment, I think maybe there is room for some expansion on it.

Your Honor will forgive me. The mere fact that one worked once doesn't mean it is an entrapment charge

for all purposes.

What I am suggesting here is that the defense of entrapment is made available to defendants because it is based on a refusal, a public refusal, a refusal rooted in the law to countenance wrongful conduct on the part of the Government. That is its derivation. Of course, that is taken right from the Sherman case from what I think is the source case in the entrapment field.

THE COURT: It's too late for me to change my entrapment charge. I would be required to study these cases and I haven't time to do it now. I have used an entrapment charge and I have explained the defense, and I think I have done it fairly. I don't think you are entitled to anything more.

MR. GOULD: And I except to your Honor's refusal so to charge.

I ask your Honor to charge again in the language of the Sherman case that if the jury finds the crimes charged here were the product of the creative activity of law enforcement officials then they have to acquit.

THE COURT: I decline to so charge.

MR. GOULD: And I except to that.

I ask your Honor to add to the charge you have already given that it is not a function of law enforcement

to manufacture crime and that when the Government engages in the manufacture of crime, the defense of entrapment is available, and if a jury finds that the crimes here were manufactured by the Government, then they must acquit.

THE COURT I decline to so charge.

MR. GOULD: And I respectfully except to that.

I ask your Honor to charge in the precise language used in our request No. 9, in the second sentence, that if the jury finds that the circumstances which made these crimes possible were created by the Government, then they must acquit the defendants.

THE COURT: I am going to leave my charge on entrapment just as it is.

MR. GOULD: Your Honor declines so to charge, and I respectfully except.

THE COURT: Yes.

MR. GOULD: I ask your Honor to charge in the precise language included in our request No. 10, in the third paragraph thereof, that if the jury finds that what each defendant did was the result of the inducement, enticement or luring by Volpe and Moskowitz and that the activities of Volpe and Moskowitz went far beyond the mere offer of an opportunity, then they must acquit the defendants.

THE COURT: I decline so to charge.

MR. GOULD: I respectfully except to that.

I ask your Honor to charge in the language of the last paragraph of our Request No. 10, that if the jury finds the defendant Riese had no previous intent or purpose to violate the law but was induced or persuaded by Volpe and Moskowitz to commit the crime, that they must acquit that defendant.

THE COURT: I decline so to charge.

MR. GOULD: Would your Honor just bear with me one moment? I think Mr. Velie has another suggestion.

Why don't you go ahead to save time?

MR. VELIE: Thank you.

Your Honor, with respect to the charge on intent and knowledge, with specific reference to the conspiracy charge, I believe we are entitled to a charge that the jury must find that the defendant intended to accomplish the unlawful aim of the conspiracy rather than a mere generalized knowledge or intent charge as would be appropriate elsewhere in the law, and we would ask that you instruct them that they must find that it was the purpose of the alleged conspirator to break the law in the fashion which the Government claims is the object of the conspiracy.

THE COURT: I think I have covered the situation and I am not going to add anything to it.

MR. VELIE: I have one or two other exceptions I would like to note.

THE COURT: All right.

MR. VELIE: With respect to the instruction that you gave as to the peculiar dangers of the crime of conspiracy, while I believe the Court of Appeals has held that that is appropriate in certain circumstances, I believe where, as here, there has been a showing of inducement and

for that matter, a finding of inducement by this Court sufficient to give the entrapment charge, and in particular, with respect to defendant Riese who did no act prior to any inducement at all in this case, that it is inappropriate to say that the crime of conspiracy which resulted in the Government's theory is more dangerous than other crimes.

This is not a case where a conspiracy was ongoing and the Government penetrated it. Rather, the conspiracy we claim and we think the record shows resulted from the Government's inducement.

Accordingly we think that that charge is inappropriate.

I hope the record will note my exception.

Your Honor, you did give some background on the Immigration law, and I hoped that you would point out for the jury that there is no charge in this case, and it is not the law to suppose that it is illegal to hire aliens who are otherwise not to work.

In other words, the employer does no wrong even if the alien is not supposed to be working.

MR. GOULD: Isn't that right, your Honor, in the circumstances of this case, where the Government has introduced so much material suggestive of that point, that your Honor point out to the jury simply that as a matter of

law it was no offense to hire these people?

THE COURT: I have said all I am going to say on it.

MR. GOULD: I respectfully except to that, your Honor.

MRS. BARLOW: On that last point, might I add that on several occasions recent bills have been introduced in Congress to change that and Congress has manifested the specific intent to maintain the status by declining to pass those bills, and so the status of the law is very specifically that the employer does no wrong, and I don't think that your Honor's charge was clear on that point.

THE COURT: Anything else?

MR. VELIE: Yes, your Honor. I believe if I recall correctly, your Honor stated that the Government contends that the testimony of the accomplices was corroborated with respect to the defendant Riese.

The only relevant material from the accomplice witnesses was a statement by Mr. Vashisht and a statement by Naree Vongchan as to conversations with Riese as to which there was no corroboration, and the Government does not claim there was any corroboration. I believe that was an error and I would ask you to correct that impression with the jury.

THE COURT: No, I won't change it.

MR. VELIE: Very well. I have no more.

MR. GOULD: Could your Honor let us see the form of verdict that was given to the Forelady?

THE COURT: Of course. But I will do that after I excuse the jury.

* * *

Meeting on May 6, 1975, at Brew and Burger between:

J.V. JOHN VOLPE
J.M. JOEL MOSKOWITZ
F.S. FRED STEINBERG
D.R. DENNIS RIESE
J.B. JOSEPH BRAVO

N.M. UNKNOWN MALE

JV My name is JOHN VOLPE. My partner is JOEL MOSKOWITZ. We're going to speak with FRED STEINBERG. It's May 5, 1975, (actually May 6, 1975) at 7:32 PM.

FS How ya doing JOHN?

JV Yeah, how the hell are you? You remember MOSKIE, right?

JM How you feel?

FS How are you? How do you feel?

FS How do you do?

JV How's things?

FS Why don't we get a bigger table in the back

JV Yeah. That's what I was saying but, he wanted us to wait here.

JV So how the heck have you been?

FS Alright. How have you been? Youre not here on business, are you?

JV Ah, you might say that.

FS Ha-ha-ha. I've got good news for you.

JV What's that?

FS This isn't my store any more.

JV Oh, no?

FS I gave this to a different supervisor. Yeah.

FS What was your first name again?

JM JOEL.

FS JOEL?

JV I hope the fellow doesn't get mixed up. I got a beer coming.

FS So what's doing?

JV Not too much.

FS Youknow you really blitzed me there for awhile.

JV Yeah. Well that's what we are here to talk to you about. See if we can slow that down somehow, you know.

FS Yeah. You bet. I'll tell you whatever you did, it worked. Let me tell you, um.

JV Your girl's uh, alright, right?

FS Yeah right, she's okay.

JV I told you that's the way the pass is going to work, so...

FS She has a weak heart, you know.

JV A weak heart? Or a broken one if she gets sent back.

FS Know

FS (Laughs.) She really has a weak heart. She was held up once and she passed out. Passed right out.

JV Really?

FS Yeah. She starts to shake. So, well, what do you call it, well anyway, I tell you some of the things we did as a result of the blitz. Just to show you that you are successful, you konw. We.....

JV You still got a lot of people that can go, you know.

FS Some of. A lot of these, uh, have, have gone down to get their working permits, uh, got green cards, married to Americans There are still (Tais?) (PHONETIC) that are legal.

JV There are a few.

FS Um. It's made, er, we've made a wire.

JM Hey, how ya doing?

FS This is DENNIS REISE.

JV Oh, DENNIS REISE, how ya doing.

FS JOE, JOHN VOLPE. This is my fellow supervisor and my best friend.

JV Oh. That's good.

FS Uh, we've made it mandatory, green cards mandatory when we hire now. We do not accept anybody that's illegal. And, uh, you know, we feel the same about this whole situation as you do. What happened was, we hired these Tais before Immigration started to hit us, and we didn't want to start going around and firing them. We have union problems to begin with.

JV Yeah.

FS Um, as a result, when we started to have problems with you, Uh, we made, we immediately made it mandatory for, to you know, before we let them work, to have a green card. We are all in the same boat, you know what I mean?

JV Yeah.

FS But we were stuck with a lot of people from the Fort Lauderdale.

DR Had problems a year ago. And a couple of your guys from Immigration told us, listen, there's unemployment.

JV Oh, that's still, still running rampant, you know.

DR So you know what we did, and we still do it to this day, we run ads once every two weeks for waiters and waitresses.

JV Huh?

DR We don't get the people answering the ads.

JV Yeah, that's it, so, so listen, you know we were blitzing, ya know, now I'm running the show at night so...

FS You are running the show?

JV Yeah, see now we can, ah, we can cool everything down completely, and you can keep whatever you want coming, you know, like....

DR Oh, I want, I wanna, I want to get them out of there, out of the stores. I, uh, I - I don't want them around. I don't want to be breaking any laws.

JM They're good workers.

DR They're great workers.

JV That's it, ya know, you are gonna have a difficult time getting the people to answer your ads.

DR But, uh...

JV So, a well, like I've been holding off for awhile, you know.

FS You've been good for the last week.

JV Yeah, well that's cause I just started taking over, so there's no problem any more, but uh...

FS You know, for awhile there we were, it was actually affecting our business, daytime and nighttime, we were short crew and there was no way that we could immediately rebuild our crews after that blitz, so that we were continuously short on the floor, we continuously had customer problems, we couldn't get good service, anything that we did replace, of course, were brand new trainees.

JV Yeah, that's bad.

FS And after that blitz it definitely had an effect on our business, we don't mind Immigration at all. I mean, we're -- we're Americans and you, uh, it just the way you were scheduling them, you know, simultaneous blasts that you were giving us.

JM You sent them over to Lexington Avenue to another place. He wasn't really supposed to be there. He was at the wrong place at the wrong time.

FS Well, they hit 58th and Third, 700, 740. You know the thing is, it's not only the stores that you hit, once the crews from the other stores find out that you're in town.

DR They make a call to another store, and they run out.

FS All the crews that aren't even getting hit start disappearing. So if you pick up thirteen people, I am short a 100.

JV Yeah, well, yeah, I can understand the precautionary measures, right.

FS We lost so many cooks this past week, and like I say, ya know through natural attrition you are going to hit a store every once in a while. I will let you pull the whole store. I don't mind.

DR Not only that, if we knew that you were coming, there are certain people who we really don't mind losing out on. In other words, cook (PHONETIC) one man, he'll carry that whole kitchen.

JV Yeah. I can understand, certainly. Well, let's see, FRED was saying that you know, the last time we saw him, he said listen, if you can give me an advance notice, tell me what's happening, you know.

DR Then we could set it up for you to look good. Take some people out.

JV Well that's it, you see, if I come to a place after we have been to it for so long, then I, I get nobody, even I come out with one or two, I can say, listen, they're changing their whole thing you know, the whole operation is changing on their part. But then, ya know I am the boss.

DR Right.

JV They don't know, only I know what is going on.

JM That means you can't get rid of some of these people, is it unionized?

DR Now that all of this has been happening the union, I would not consider it a problem any more, because there is nothing they can really do. They would be breaking the law in forcing us to take the people back, so that's gone. Before we knew what the story was, they were saying...

JV Well, that's because we...

FS (INAUDIBLE) there were cases where you hit a store where we had bad union peoblems in (INAUDIBLE) everything is set up 100 times over, especially a store that has a Local [illegible] union like this one.

JV Yeah.

FS And the Commodore. Those people after 30 days start to make a lot of money.

JV Well listen, you said ya know, a couple of times you want to try and get rid of some of the bad guys and you want to rotate your good help out and around. Well that's why I came over, to have a couple of beers with you, to see if we can work something out about it, because like I said, now I am where I want to be, I am a honcho. There's no problem.

FS Yeah, right. Well, I thought that (2 words UNINTELLIGIBLE) right at the beginning.

JV Well, yeah, you know what it was, I was not the boss then and I said, "Jesus, if I was, if I was in the right."

FS Now the pass you gave me is even more valuable.

JV Now the pass is golden, right.

FS (LAUGHING)

JV They can't, you see, now even if they do bring her and my name is on that pass, she leaves. There's no problem, guaranteed.

JV Okay. You have no problems there.

DR Thank you. I wasn't sure. That was yours, ha-ha.

JV So, er, like I say...

DR — Ya know another thing I would like to say, it's one thing I can't afford to lose, it's managers, lose a manger....

JV — Well, you lost a couple of managers and you lost a couple of good cashiers.

JV — Now listen, I want to bring something up to you, we were in one place once and I knew this guy was going to move into the girl's slot as the cashier. I mean, the girl goes, "Go ahead and count the money," and then she looked at me and says, "Well, he only counts the pennies and he is here waiting for his friend." I said, alright, I am not going to break horns because I was just new in this line and I said, "Well,let me see, see if I can work it out, see what happens with the other guys, you know, that I am working with, but him and I are the honchos."

UM — How are you?

VOICE — This is Mr. BRAVO, JOE BRAVO. This is JOHN VOLPE.

JV — How are you doing Mr. BRAVO?

JM — JOEL MOSKOWITZ.

VOICE — JOEL MOSKOWITZ, he is also a supervisor, with us. JOHN VOLPE.

JV — How you doing? So now that I am in a honcho slot, we can work something out.

FS — Yeah. I would really like that.

JV — Okay, so it's.....

DR — That's one thing that I could simply, anything else is bad, maybe narrow it down to about three of them that don't have green cards.

DR — If we lose them, I'm dead.

JM You run the show pretty much yourself.

DR Sure. Sure, not only that, when he is not around at night, the managers run the store. So if something comes in at 10 o'clock and pulls this guy out, he is going to stay until 7 o'clock in the morning.

JV Seven o'clock?

DR Yeah, well these guys work from seven to seven.

JM Open all day, all night.

DR We leave three or four of our stores are (and you have been to a couple of them(?))

FS And one thing we can't afford to lose is definitely a manager.

JV We even had, er, some of these guys we got that are new, they kind of get on the bandwagon. Hey, listen, I was just talking to this Mexican dishwasher, he says he lives downstairs. Forget about it, and write him up. He is an illegal alien, don't start screwing around. He says, well, what are you going to do VOLPE, listen I am a boss now, I am signing the papers, what are you going to do? What are you going to try and bring harboring charges and stuff? You can't do it, not with one guy, you don't speak enough Spanish, he don't speak enough English to get anything together. I says forget about it. Some of these new guys aren't too smart. They got to get broken in. I have been there two-and-a-half years and I know what's going on.

DR You have been there two-and-a-half years?

FS Take care of this glass.

DR Do you want to have dinner?

JM I guess I will have another drink.

JV I am alright with the beer so far.

DR We have some good burgers.

JV I was looking at that guy sitting next to me and I said that's not a bad looking burger.

JM We have not come to eat in one of your stores in quite awhile, since we have been doing our thing, because you never know who might recognize you.

JV Well, you see, now, see, what we do now is we walked in here quiet and people kind of looked.

JV I said I just want to talk to FRED, you know, call him up.

FS That windbreaker gives you away, as soon as I hear I say, was JOHN VOLPE there. Well there is a guy with a blue windbreaker with curly brown hair.

DR But, well, how do you know. Oh, you talked to JOHN.

FS Yeah, right.

JV Yeah, we've been getting in touch with him on the phone, once.

DR Once FRED called me and said, "Huh, you fellas from Immigration are there."

JV See, well, now our job is now to cruise, make sure the other guys aren't moonlighting under the lamp post or something, and uh, it comes nine o'clock and nobody is in there.

FS I used to fly when I heard you guys were in the store. How many times did I meet you?

VOICE	Yeah.
DR	Will those guys be coming in without you?
JV	I give the assignments out, so I just don't give...
JM	You know from personal experience here, you're familiar with the business, you know the other places where, you know, it's not Tais, Mexican, etc. A Greek Slovaki joint, you know, there's plenty of pickings.
JV	Listen, we passed a couple of places coming down the block. I can assign two cars over there if I want, no problem. They got one place, they got the next place.
DR	How many cars do you have on a shift?
JV	On this shift?
DR	On your shift.
JV	Twenty or 22.
FS	I saw them with four cars in just the Brew Burgers.
DR	And there's another, what, 8-to-5 shift?
JV	We work around the clock. Seven days a week.
JM	Seven-thirty, not around the clock, it is not scheduled around the clock.
JV	Well we don't hit between midnight and eight. We're there, we got men stationed in the office in case the police in Newberg called up, and they got three people.
DR	Is there ever a raid between midnight and eight?
JM	No.

JV Not as a rule. Not unless it is scheduled. Not unless somebody has to do it.

JM You, you run into problems. You have to process them in 24 hours. You do it to a guy, pick a guy up Friday night. You have got to process him yourself. I don't mean process him. We process him. He has to be served with an order to show cause.

JV Well, that's - that's where it comes down. It does not work out good.

JM Because there is more work for us that way.

DR I got to call my home because I am late.

JV Go ahead. So you know, like you said, see if we can get something together here. You know, work something out. You want to talk to the boss or something? See what's going on because we won't bother these places any more, you know, 'cause otherwise these guys, they know that it is easy pickings in Brew and Burger, and even if, er, even if they come and get two or three out, they're still happy. So I just keep them away now.

JM Question is, send two guys out in a car, you want two guys to come in with people.

JV What do you want me to light this with, my good looks?

JM Yeah.

FS Ha, ha.

JM Rub your fingers together. More or less, we're not on a quota. If you bring in a person per man, it's acceptable. So you know, instead of sending out four cars with eight guys having to take out eight people, you come in one car and we take out two people.

FS — You know, we can even do it, like, if you hit a store and I come there.

JM — Umm.

FS — We could sort of have a caucus so that the people on the floor think that we are working something out, and I will tell you which ones to take and which ones to leave. I will always give you Mexican dishwashers.

JM — Alright, oh, that's good. No problem.

JV — EWI's.

FS — Yeah, those we can always get.

JM — We got a guy last Sunday, he wasn't a Mexican, you know, usually the Thai (PHONETIC) people they don't bother, they don't give us no troubles, but this guy fought, he bit a guy on the hand. Last Sunday.

JV — No, it was two Sundays ago.

FS — Thirty-fourth Street.

JM — Yeah, two Sundays ago.

FS — Yeah.

JM — We had to take him to the hospital.

JV — Now this gets the guys hostile, and they want to hit you more than ever, and they did I think, did they take out, yeah, they took out a couple of more Brew and Burgers right after that.

FS(?) — Came here again.

JV — I don't know if they came here again. So they go... a couple of them. There's a couple of good prospectives, you can keep everybody, you know, there's no problem.

JM When do you usually open up the upstairs in this place, only on the weekends?

FS No when it's busy. Like if there's a concert in the Garden, a ballgame.

JM Circus?

FS Circus, right, lunchtime.

JV Lunchtime, too, because you see lunch-time you probably have 15 in help here, 20?

FS No not any more, during the busy season.

JV Yeah, that's what I mean, during the busy season.

FS Yeah. Definitely.

JV What's it take for us to figure out what your busy season is?

FS Yeah, right, just stop and get the schedule for the Garden.

JM Yeah, basketball games.

FS Oh, there's no way we can trick you, you can walk into the store any time of the day, and, er...

JM Lunch time -- this is a good lunch area right?

FS There is no way I can tell you which stores to go or not to go because youre going to get them in any store you walk into.

JM Yeah.

JV Well that's what we say, we don't have to walk into any stores. You know, like I said, there is a lotta more chains out there we hit, er.....

JM Tad Steak House.

JV Roast Beef and Brew, or Steak and Brew, over here. We took out six, we were only going in for maybe two, six or seven, couple of girls, couple of guys, you know.

FS Another beer?

JV Yeah, let me finish this off. I could use a couple.

DR He wants to know if he can leave or not. I said, "I'm not your supervisor." I told him to ask him.

JV Is that how it works here?

FS Hey, TONY, bring me another beer please.

TONY What do you want?

FS Another beer over here.

TONY Here.

FS What would be the best way for us to do it? Would you want to do it that way?

JV You call the shots and we will see. We will see, you know.

JM Do you have a common basement down here?

DR Well, for this store not.

JM Yeah, we went down to this one place once, we took some people down to change their clothes. They had a common basement.

FS The Commodore, right, that's a hotel on 42nd Street.

JM I don't know if it is one of your stores or not.

JV Yeah. We have got a guy out of the Busy Butcher, or something.

JM Ciro's Pizzeria, next door or something.

FS Yeah, that was us also.

JM He was coming down to get some ice.

JV The Busy Butcher is you, too?

FS No, not the Busy Butcher, the pizza place.

JM Cicero's Pizza. Yeah, that's what it was, with the straw hat.

JV Oh is that.. is that your place too?

JM He went down to get ice and he never got back with it.

FS We have the circus.

FS The Busy Butcher came in to get something for the other store, and you picked him up. That was our man anyway.

JV Well, what do you mean have more than just Brew and Burger.

DR Brew Burgers, well, that's our division, but the company is bigger than that.

JV Oh, hey, tell us who the company, and er, like I say, you don't own Tad's, you're not part of Roast Beef and Brew, are you?

FS No.

JV You're not part of Steak and Brew are you? They're separate entities all around.

JM Bun and Brew or whatever.

DR That's different also.

FS Except for the Brew Burgers, we are mostly big restaurants.

DR Childs, Childs, Childs.

JV Childs is yours?

JM Childs?

DR Yeah. Cobs Corner.

JV Tell us who they are, you know.

FS Luchow's, Riverboat (1-second UNINTELLIGIBLE)

DR All those big places.

JM Luchow's?

JV One hand washes the other. We can see what's going on.

JM We would not go into Luchow's anyhow. The place is too big.

DR I was just thinking about these small, my places, Childs, Cobs Corner, Brew Burger, that's about it.

JV You can lose people, yeah.

JM Luchow's is too big, sometimes we consider, did you ever live in Brooklyn?

DR What?

JM Brooklyn, live in Brooklyn, Lundy's, are you familiar with Lundy's?

FS Yeah, right.

JM It would take us about 50 guys to cover that place. There's so many doors. There must be a hundred, a hundred waiters. I eat there all the time. Mostly Trinidadians.

FS They don't recognize you, huh?

JM Naw, we never go, we can't go in there. We don't have 50 guys.

JV — Fifty guys at one time is, er....

JB — Do you have an agent there named GRESICK?(PHONETIC)

JV — GRESICK? Sure, ED GRESICK. You know ED GRESICK? He does not do any field work any more. He is in the Frauds Unit.

JB — In where?

JV — He's in Frauds. (Simultaneously with MOSKOWITZ)

JB — What are you, Customs? Is that ahh...?

JM — Immigration

FS — Department of Justice.

JV — Immigration. Yeah, Customs is Treasury.

FS — So what would be the best way for us to do this? Walk into a store, call me and I come there?

JM — No, no, no, no, no, no. We call you an hour, hour-and-one-half tops, an hour-and-a-half. You juggle what you want to juggle. You got your no good-niks, say go over here.

JV — You call me back, or even just, or we will just take it for granted you did it. You don't even have to call me back.

DR — Now I am not going to step on nobody's toes, but would it be better if you give him a call around 4 o'clock in the afternoon? I mean could, could we do that? I'll tell you why.

JV — Well, if ..... 2:00 to 10:30 shift, we ahh, it could be worked out.

DR — I'll tell you why.

JV — Because I have to give the assignments out before that.

DR (one-second interpose) Someplace at 9:30.

DR If you called him at 8 o'clock, well he has already got just a certain amount of cooks around at night, and you know, he has got to transfer, transfer one guy there to get caught. The guy's gonna know.

JM So you meet at 4 o'clock. You can pick up temporary help yourself.

FS Yeah, right, then we schedule extra cooks.

DR At four o'clock, then we schedule extra cooks. We have no cook there, we go in there.

JM Yeah.

JV Yeah, well you know, that's what we are here to talk about.

FS See but then what happens is when we start putting people in these stores that are getting hit, it will look like we are setting people up. What I was thinking of doing if he calls me and tells me what store, we will decide who we're gonna save. I go there, I talk to him on the side personally, and that's it.

JM I will tell you what's touchy about that, like say you have...

JV You see that's going to bring something down on us, because somebody might call up and say, "Hey, Immigration was here. Some green card who had a fight with a guy from Thailand, who doesn't have a green card. Say hey, when Immigration was over here and they took out this one, this one, this one, but they left this one, this one and this one, without talking to them."

JM Without even talking to them.

FS Well you know best. I am just wondering.

JM Unless you can clue your manager in, of your store. You know, tell him to make this guy scarce for a half hour, like your cook, cashier or whatever the person may be.

FS Well, rather than send people in, what we will do is, we will send people out.

JV Yeah, right, because you know, we are going to go through the basement.

DR I am concerned, you made a good point. These people are not stupid kids.

JM No, they are not at all.

DR They are very intelligent. They have gone to college in Thailand. They are going to pick up on the fact that we are setting them up, then we are going to have a riot on our hands.

JV You let us handle that part. You are not going to have no problem because we can always say that even if we have to take somebody in that you want, it doesn't mean they have to be written up.

JM We can dummy it up. Sit them in a room separately and let everyone else think he was written up.

JV Or either just sit them there and take biographical data, and then, ahh, and then, er, that section was destroyed, you know.

JM And destroy everything later.

DR It still leaves us without a cook or something like that.

JM You have got to make sure your cook is good. Your cook and your cashier have to be good. Because they're your key people, right?

DR Absolutely.

JM Possibly you can overstock one store.

FS Well, look, if you tell us....

JM Put two extra waiters in there and make sure two of them are no good.

FS We can work it out. Because if we know what store they are going to hit, we immediately put two green cards and cash downstairs.

JV Well what do you do when we go to a store now?

JM You juggle, right? After we leave a place, you got to juggle.

FS And let them pull the waiters.

JM So tell everyone else that you got to juggle.

JV Let's put it this way, then at night, instead of going over, hit two and three places. I'll say we have been hitting Brew and Burger. We have been hitting them hard. Go to one and at 4 o'clock you are going to know that we are going to 86th Street and Lexington Avenue.

JM So you have enough time to juggle it any way you want it.

JV So the way we have been picking these people up, they have been saying they have been juggling so we can, you know, you juggle the one store just, well I need a cook over here. I need a dishwasher, I need a waiter over here. You take the good guy that's wet and you put him over there.

FS I think the tip that you guys are going to give us is all that we can really ask for. The rest we are just going to have to think about, how are we going to work it out ourselves?

JV We can work it out on the phone. If you say well, what am I going to do about such-and-such?

JM Just try to make it so that you never leave us with nothing, because if we walk out with nothing...

DR Well, we understand that.

FS Yeah, we understand that, we don't want to double cross you.

JV Because the other guys say, "Hey, listen, went to Brew and Burger and there was nobody there."

FS No, no, I can't believe that.

JM I can't believe that.

FS We understand.

JM We came out with five or six.

FS Hey, listen, you guys are doing us the favor, we are not going to stab you in the back over this thing. You have the power to cripple us if we ever do that to you and we realize that.

JV I am in this position now. I got what I want. I will be working nights now. You know this is it. I guess what it was, was a test to see who was going to be able to make it.

FS We are just going to have to realize that we are going to sacrifice three or four that we want to save, to keep one or two that we want to keep.

JM Well, you can always pick up more. You run ads every one or two weeks, right?

FS Yeah, well ahh, we just can't save everybody that we want to save.

JV Because from past experience, I know the same way you guys know that when you run ads and this is not with just your organization, everybody says, "Hey, listen, we run the ads and nobody comes, none of the Americans come, nobody from here, nobody from there".

JM Well who wants to work for $1.75 or whatever it is.

FS And right, the tips are like $15 at lunchtime. Somebody from a foreign country, where their currency is worth less, they are making a lot of money, but for an American, you can't live on $60 a week.

JM Oh sure, but some of these guys ya know, some guys regularly take home that you know, you see how they live.

DR Another thing is if, you know, they are going to one place on 86th Street, you could not work it out (INAUDIBLE) 968 or something, we have a nearby store, that night, you might just have two cooks in that nearby store so that you could send one over.

JM Yeah, you juggle your personnel, you know, have the second....

FS I would keep the second cook on the other side of town so nobody would know that we were ready when Immigration came and we gotta still act like we are surprised by this whole thing.

JM All you have to tell them, you know, what you tell them, "Hey, we just got hit in this store by Immigration. You got to run over there."

FS I will put two cooks in 1481.

DR Can you call him when you come into the store? Give him some time to get there before you take them out?

(12-second gap on tape)

JV That's what we are here to talk about, I mean, you know, that's what FRED said to me before and I said, "Hey, listen," you know.

DR Maybe drive somebody over.

FS They have been doing that anyway.

JV Yeah, like I saved his girlfriend, you know.

JM When are you going to get married, in the summer?

FS Umm.

JM I am getting married in June myself.

JV I think I can run that whole route all the way. Now you, you got to give us the list of the other places, you know, this Cob's place and this Childs, Childs, because you gotta remember if the guys are going to lay off this one, they look in the phone book, oh, there's 15 Childs or something. Chains are great.

JM You hit two or three chain stores at the same time more or less the heat gets over to them, that's why Tad's, you know, Childs, we never even thought about.

JV But nobody before. Everybody else talk to them and they say, "Hey, I don't know what to do, you know, you're taking my help, you're taking my help". He was smart enough to say, "Hey, listen, let's try and put something together here." So I thought about it and we were talking about it, listen it never hurts, he's got, er, we are not the first or the last guys to work something out with somebody, you know, so it's a $300,000 investment for him and me.

DR What do you mean?

JV You know what I mean, our job is here, they find out that we are pulling strings and, ahh...

FS Three hundred thousand dollar investment?

JV Well, when I say $300,000 investment, that's like our careers, 20 years service, our salary every two weeks adds up to something.

JM End of a Government job.

JV Plus a little pension and plus probably doing a little time in the slammer. Now, that's, ahh, I figure you guys, he looks smart, he is a sharp looking guy and ahh, you know, as a matter of fact, TURNER says hello.

FS Is TURNER the one that turned everybody onto this thing?

JV No.

JM Nah.

JV TURNER did not even know it. He is working days.

JM This happened more like an accident.

JV TURNER knows nothing.

FS Ya know who TURNER is?

JM Laundry man.

JV TURNER does not even know. TURNER does not work, er, nights. His wife just had a baby, by the way.

FS Oh, no kidding.

DR Send 'em flowers.

JV Sunday or something, he is on cloud nine or something, ya know.

FS Ha-ha.

JV Because he saw that, we were in the office one morning, we were still working on paper work from the night before, he said, "Hey Brew Burger," then he said, you know, "I work for Consolidated Laundries" and all, as a matter of fact, TURNER's not even in our section.

DR Where is he?

JV He is in General. We are in Area Control Illegal Status, you know. He's not, he is not with us.

JV He does Naturalization cases, Congressional cases.

JM You know, more or less, when you marry your girlfriend you got to put papers in for her. They do one type investigation to make sure you are married and Naturalization, you know, when people file for Naturalization and stuff like that.

JV You get some guy filing for Naturalization with a criminal record nine sheets long.

JM More or less we dress like this. They dress like you are now, jacket and tie.

DR Let me ask you a question while we are talking about this, is there any way you guys can help me with one person getting a green card?

JV To get a green card.

JM Thai?

DR No, he is Indian.

JV He's from India.

DR Yeah.

JM He's here illegally now.

JV Now that, ahh..

JM Alright. Does he have a skilled job? Does he work?

DR He is a manager.

JV He is a manager?

DR He is a top manager.

JV We are going to have to pull some papers for him, you know, we are going to have to make him like, er, labor certification. And we can keep him here that way with labor certification, which you know you sign. Here, he's my manager and he does good work, but you see what it is with labor certifications. Let me tell you this, With labor certifications we find guys all the time and we lock them up because the guy is certified as an auto mechanic for a cab company.

JM And he's washing cars in a car wash.

DR No, my guy's a manager.

JM Right.

JV But that's a no-no, and his labor certification is gone.

DR What's a no-no?

JV When you catch him car washing.

DR Yeah, right.

JV And he is supposed to be fixing car motors.

DR When you say labor certifications, is that what I hear about sponsoring like that?

JV Yeah.

JM More or less.

DR We tried doing it for a manager once and it was no good.

JM Well, you know what the problem is.

JV But you see, you didn't have a hook.

DR Yeah, right.

JM There is an overabundance of everything.

JV I am a nice hook, you know.

JM Any kind of profession you can think of, except doctors and dentists. A load of them unemployed, you put in a labor cert and they go, they check their statistics. They say, Jesus, there's 2[illegible] American citizens who qualify to do this job so we'll deny his labor certificate.

DR Right. Right.

JM That's the whole thing. Now managers... (one second interpose) ... there is so many of everything unemployed.

DR You ought to have some dinner on us a couple of times, ha, ha, you know, we can do the same hook.

JM The thing what you got to do....

DR I don't know if you guys like, er, basketball or hockey tickets, we can get a lot of them.

JV We will see, you know, there's.....

DR I mean stuff like that. I give them out to all my friends.

JV Alright.

JM The thing you got to do is make him sound like more than a manager.

DR Make him sound what?

JM He has got to be more than a manager.

JV He has got to take care of your books and stuff.

JM There's too many American managers, caterers, whatever, whatever they call them. He has got to be something special.

FS Unless we call him an Assistant Supervisor.

JV Has he ever tried to get a green card, I mean, is he, you know, has he ever tried to get it on the sly, you know.

JM His lawyer is sure milking him, I betcha.

JV His lawyer sure is milking him.

DR Oh, yeah, all those lawyers do, it's outrageous.

FS Two thousand bucks.

JM Is it $2,000?

JV Because you got to remember, if we get him a green card, and we can't get it through labor certification, now we get, we get the run of the whole place, but it's just the matter of having a, make sure we're in the right spot at the right time, and then we got to make a file up for the guy. We are going to run all this stuff through and we gotta make sure that these little white pieces of paper get to Washington and everything fits in nice, and that's that's not easy.

JM The labor certification investigation would be something like a guy in General Investigations would do, more or less, at times. What we got to try and do is we got to know who has the case. Then we got to ask them if we can work it more or less, you know. (1-second Unintelligible)

JV We don't even have to say, we have to work it, we can just take it, you know, sign it out to ourselves, for special interests sake.

JM Special interests, you know. We know the guy.

JV And, er, because according to you, he has tried to get it, so if he has tried to get it and it has been denied and all, he does not have any file number.

DR I don't know, I don't think it's been denied, I think he is.....

JV It's just.....

JM They're waiting, pending...

DR It's been in limbo for a long time.

JM It is pending.

JV Well that's it. He does not have a number. He don't have a number then without, you see, without..... Okay, listen, it was nice meeting you, hope to see you again, you know.

JB Take care.

FS Take care, JOE.

(2-Second Background Conversation)

JV What you got to remember even with a green card, to get a green card for somebody isn't going to be easy.

DR Tell 'em about FLOWER.

FS Huh?

DR Tell them about FLOWER.

FS What about FLOWER?

DR He almost blew it in front of BRAVO.

FS Oh yeah, yeah, yeah, yeah, yeah, yeah.

JV Um, I think I know what you are talking about.

DR You know his girlfriend works for the company.

JV Yeah.

DR And it is against company policy, like he told you in the beginning, we are best friends and we talk about other things, but this guy's got a mouth the size of the Nile River.

FS Ha-ha-ha.

JM What is he, supervisor of this store?

FS Yeah.

DR Yeah, well he is in the company anyway.

JV It is not going to take, you know, a week to get a green card for this guy. It is going to take a few months, you know, because we got to do a lot of paper work and if there is something pending we got to go down and we are investigators, we're the highest in the office. They don't go higher than us, so if we reverse an action, there is no problem because I am signing my name to it, but when I sign my name to it, I want to make sure I don't get any backfire or kickback from anything, you know... Like I say...

JM When one investigator honors the other, we still vouch for with the pass, we never get no sweat, you know, the investigator doesn't.....

JV Even before, when you said, "Let's work something out," him and I knew each other, I mean we go out socially and all but still job wise, we had to feel each other out.

FS Yeah, right.

JV And er, you know, he.....

JM Just remember the first time I met you how I came off at you, you know, things happen, you know.

FS Yeah, right. I said, I think I said, I gave you both the same thing at separate times, said to you, "How's about... we make some deal", and you, "No deals", er, ha-ha.

JM Yeah, okay.

JV Well, like I had to, you know, we had to feel each other out. But he came from IRS, you know, and I, er, I never worked in IRS or anything like that. But this is, er, I worked for a narcotics firm and all that. But now he was smart enough to say something. I couldn't say anything in front of him because I was still feeling him out. He couldn't say anything in front of me because he was still feeling me out, but now we wound up being co-honchos, you might say. I am number one and he is number two.

(2-second interpose)

FS I don't mind getting hit, but I don't like getting hurt.

JV Right.

JM Right.

JV Well, listen, there will be no more getting hit or hurt. Like we'll work it when I say hit, I don't mean we're wiping you out. It's up to you, it is up to you, whoever it is up to. I don't know.

JM We can make a hit at your convenience and our convenience. We will get what we will need to show. We are still working rather than sleeping somewhere. Your operations won't be more or less interrupted.

FS If there's somebody, if there's somebody that we definitely want to be picked up, we will just, gonna send them to the store that you tell us you are going to. Build up the....

DR We got one on the list already.

FS Well (INAUDIBLE) (2 seconds INAUDIBLE)

JV		What's, er.....
JM		Because I remember what happened the first time.
FS		Turnover is not any problem.
JV		What's this TURNER? Oh I thought you were saying TURNER, no...
DR		(1-second unintelligible) guy that wants to beat me up because I won't give him the job back.
JV		Give it back to him, we don't have to worry no more. I am telling you if you were smart, you see, we have gone to factories and stuff, bad news, but you see, like I said, we had to feel each other out. Not everybody is super straight, not everybody is human, that's the way we are, you know, he is getting married, I am getting engaged, so you know
JM	(JM CONVERSATION INTERPOSED)	
FS		I'll never get married.
JV		Huh?
FS		I'll never get married. (LAUGHS)
JV		Never, huh, naw, I met that right girl.
FS		Did you?
JV		Yeah, she is a doll. I guess I am in the same boat as you.
FS		Right, you are.
JM		They came down with two taxicabs from the anticrime - one motor scooter on the sidewalk. This was when we were running an operation.
DR		Who called the Police?
JM		Some girl in the place. She thought they were being held up or something.

JM So they came down in two - two cabs guys from the anticrime unit, two prowl cars, and one guy right on the sidewalk with a motor scooter. This is the one when ROCO got bit two Sundays ago.

JV Thirty-fourth Street over here. Two blocks away.

JM Got bite.

DR (PHONETIC) Wit bite one of the guys. I heard he knocked some teeth out of his mouth.

JV No, the lady who came, you had a supervisor come down a couple of nights later, a blond woman, I don't recall her name offhand.

FS Speaks English? Brenda

JV She wanted to know why this guy had a few loose teeth, but that's because the investigator was pulling his hand out of his mouth.

DR Oh, that was when BRENDA went down for PELL (?) (PHONETIC).

JV Well, you know what it is to, you people run and that's not nice, when they run they make it worse for themselves.

JM Yeah.

JV You know, we've - have lost a few people out of your stores for being nice

JM They run... they run, automatically we lock them up. They stand still and talk to us. They are only students, I mean they're not criminals. EWI, an EWI guy who attempts to cross the border without inspection, he is a criminal, he goes into the cooler, as long as we have space. Students who're working....

DR I tell them this all the time.

JV I gonna have another beer because I am, man, we were beat, we were running around.

JM They run, what are we going to do?

FS I tell them that so many times, too.

JV You know the manager, he is not a manager?

FS (1-second unintelligible)

JV Oh, he's the new manager in here.

FS We're just closing up. Want another beer? Want another drink?

JM No, no thanks.

JM They put on their clothes, take off their bow ties, put them in their pocket, take them downtown, and we process them for 45 minutes and send them off on the train. They - to go home, to go back to work whenever they want to. You see, once they run, they fight, they fight, what are you going to do, you know, a guy fights with you....

FS Another thing I am concerned about is when we know we are coming to a store and we make some rules, that it won't look obvious that we knew they were coming (1-second unintelligible)

JM Well, what you could say is....

JV You make the move at 5 o'clock we don't come til 8:30, it's not going to clash.

JM (1-second unintelligible) hours he don't suspect nothing.

FS Yeah, like if you pull a regular cashier like SUZY out of 86th, that's been there for how long?

JV SUZY, didn't we process SUZY already? Because SUZY was there the next day when they went back and they took four more out in the afternoon from the lunchtime crew.

FS They hit that twice.

DR She quit, she's not around any more.

FS I am saying for example when you have ...

DR She's a great cashier, oh, was this girl great.

JM They are honest people, because I have never caught them in a lie, never.

DR She was there for about two years, just great.

JM That's either because I don't ask them the right questions, or that they tell the truth, but ahh...

JV You see you can't bring a girl like her back and say "Don't worry about it any more," but the people you got now that are good, you can keep them. You can make them your managers.

FS I think the most important thing is is that when you do go to a store that you, you get people.

JV What time is it, MOSKY, excuse me?

FS Can you take a message because I'm very busy.

JM Yeah, a quarter after eight.

JV We got some time.

FS Ahh that you give me some time to get there to speak to you, see exactly what you are pulling.

JV Oh, I can meet you, I don't have to meet you in this store.

FS Right.

JV You know, and ahh, like I say when we do hit a B and B I'll go. MOSKY and I will always go.

DR Is this guy ARVIN (PHONETIC) legal?

FS I don't know.

DR You should find out and this guy PJ.

JM What are they, cashiers?

DR No, these are managers, the managers. You should get him out of that store because it is a night store, you can't tell them not to hit that store. If they walk into that store.

JM This is the way we can work it.

JV Wait a second now, we have not hit any Childs and we have not hit any of these corn places that you are talking about.

DR Cob's Corner.

JV Cob's Corner, right? We won't hit them yeah, but I am saying we won't hit them either, you know, we won't, like I said.

JM Or if you got problems with one guy.

JV You tell us the store where you are having a problem in, you rotate your help, two days later we will come.

FS Yeah, right.

DR Well then there is three stores we should tell them not to hit.

JM No there is.

JV Well now wait a second, ahh, you know, if, whoever has a list.

JM Say a pass, these two guys, we can't give out too many passes.

JV No, especially with our names on them.

JM If these two guys are real tight and they're good manager, we can give out two more passes.

DR No, I wouldn't want to waste it.

JM You wouldn't want to waste it?

J You see.

JM Because these passes we cannot give out too fast.

DR So let's ahh

JM I mean, you know.

JV We don't lose

JM It's alright.

FS Is there any way we ahh could just not pull a manager?

JM Well see if, if one or two that were taken out...

JV Like you go there with four guys.

JM Say hey, he's bad, we don't even go out and check him out, maybe he gives us a bullshit story, alright, but usually we don't take no crap stories, this guy says he has got a green card home. He comes with us anyhow, we are going to check in our office because ahh, every Mexican in the world has got a green card if you believe him.

FS Because I have got two managers in the stores to worry about.

JV Alright so that's something, now we got to think about, we got to see how you are going to work it out. Alright, that's for you to think

FS Or I can pull him out of the store for that night.

DR That's going to be obvious because that's the manager.

JV LIke I said, two days' notice, alright? Cause I am making the schedules up.

FS Yeah right.

DR It is better off for us to get ahh, PJ out of the store and put STUT (PHONETIC) back in the store.

JM Do you ever switch him from store to store on a weekly basis?

DR Very rarely managers are switched.

JM Not week to week or anything like that.

DR Yeah, maybe sometimes we do.

JV Hey you know, you can always change your thing, rotate them a week at a time so they don't get too familiar with the help or the clientele or whatever you want in case you got steady, you can always think of an excuse.

JM Well that's more or less, you know, they know the personnel.

JV Yeah, well, that's your thing, you know, that's completely up to you.

JM You really have to have a tight list of personnel. Just make a list and give us, you know, three or four names that are definitely, you need them, most likely be the cashiers and the cooks, but you got what 10, 12, I don't know, 15, 20 stores, God knows how many you got, here we see a new one every time we drive down the street.

DR Ha-ha.

JM We don't even know where they all are yet.

DR I would like to get a pass for AVINISH (PHONETIC) This is the guy I would like to get a green card for.

JM Alright, alright, so, you know, (1 second unintelligible) we can't spread too many of them around because other guys come in or something, ya know. We could run the night show more or less, you know.

JV (INTERPOSED CONVERSATION) We're running it, you see, we are steady nights now. They won't change us for a few years, at least, because our office is just going through a big change and we just fell into the slot and those guys that were there were there for two or three years. Now we're there and we know, as a matter of fact, they had details to Guam, Arkansas, California to Florida.

JM They sent all our senior men to Arkansas, California, Florida, Guam.

JV Here we are. We are the senior men that are left because we are taking the nights.

DR What the hell is there in Akransas?

JV It is an Army or Navy base.

JM The Vietnamese program. They are all working they're there for 30 to 60 days so only superior grade officers could go. Men with 12, 15, 20 years of time in.

JV You see, I wish I could explain to you what it is for a green card, that's going to be hard, like I said, it's going to take some time, it can be done, because I know it's been done, you know, you talk to other people, now that's as far as it goes.

JM As long as he is in some kind of pending process.

DR If he's not?

JM We can still give him the pass, like you said, but I am saying as long as the guy is pending, no Immigration officers will ever touch him. He shows him the piece of paper, this guy's application for green card and labor certification.

JV But he has got to....

JM But it's got to be pending at New York City office itself so but it is more or less, we don't.....

JV It has got to be from us though, not from some lawyer who gives his lawyer's card, you know, and say, ahh, attorney.

JM He puts on the back of his card, Immigration Officer, this man is currently.....

DR That's no good?

JV He comes with us right aw[illegible] because he's got a lawyer, we could care less.

JM And even if the lawyer, even if the lawyer..

JV He can, listen, he can tell you

JM The lawyer could write it on the card himself, he could write it on the card.

DR I gotta, yeah, but I got a cook to (INAUDIBLE) whose actually gone through the whole thing..

JM I'm not just talking about people from Thailand.

JV He'll tell you, I gave his chick a pass, it's golden.

DR Yeah, I know.

JM We have ahh, more or less, a fraternity, more or less, like the cops. We don't bust anybody's chops.

JM Look you can't float too many of them around.

DR I know, if you tell us there's maybe one or two that we could get if this guy's worth anything.

FS Right, if you get him, we can let him go, they could pick him up, we let him go.

DR Oh, he's not that good.

FS So we just let him go, we don't even have to worry.

DR I am just worried about you and with it happening at 11 o'clock at night and you worrying about who you are going to put in there til 7 o'clock in the morning.

JM Well, I will tell you something, usually, we won't start an operation at 11 o'clock at night because the schedule shift is 2 to 10:30 and just like yourselves, we're no gluttons for punishment. We want to go home, watch TV, take a shower, like any other normal person.

FS Yeah.

JM We don't believe in working until 4 o'clock in the morning, unless we are told to.

FS If they hit them, they hit them.

JM We got a social life, you know, got things to do also.

JV You're saying, you're saying if we hit him, we won't hit him?

JM Working till 4 o'clock at night, wake up noon the next day, no free time.

FS If we are going to take one pass, we'll take it for AVANISH (PHONETIC).

DR Yeah.

DR How long does a pass last?

JM Unlimited, we will make it unlimited, like his.

JV He'll tell you, listen, talk to him, he's your, you're his best friend, right?

DR For how long?

JM Eight to ten years at least?

JV What did I tell you.

(3-second conversation interposed)

FS As long as Volpe with the

(2-Second unintelligible)

Immigration Service right?

JV You know you get another, ahh, 17½ years.

FS And it keeps on getting more valuable because the higher he gets the more valuable that pass is going to be.

JV And I just..

FS Head Honcho. (LAUGHS)

JM (1-second unintelligible) so as soon as you get married, you got no sweat, even if it will be two, three years from now.

DR	Oh, he's not getting married.
JV	We can even update passes, too.
JM	Well, I got stuck in my line, I will be getting married soon. One that bounced. What can you do?
DR	I am taking my time.
JV	I was just saying I
JM	Anything you can do when you are married, you can do when you are single, right?
FS	Yeah right.
JM	But more of it.
FS	I was married already.
JV	No big thing.
FS	It was a big thing. It was harder to get out of it than it was to get into.
DR	Oh, it costs three bucks to get into it and $30,000 to get out.
FS	Yeah (LAUGHS)
JV	That's a bitch.
JV	Well green card, we can work on that even if we ahh.
FS	So could you give us a pass for that manager?
JV	You got a card, ahh, guns they all get in the way.
JM	Hey, all I got now is ones that were written up already.

JV No, no, I don't want that, I don't want that, I don't want, business cards, it's what works. I know what works.

FS Any other officer that walks or sees it.

JM Show, tell the person....

JV Talk to him, will you.

(INAUDIBLE)

DR Who did it happen to, with another guy?

JM You know this guy's full name?

JV (2-second unintelligible)

JM Full name.

DR Yeah, it's a weird name.

JM Alright, spell it for me real slow, last name first.

FS V-A-R.

DR No, V-A-S.

JM V-A-S

DR H-I-S-H-T

JM First name?

DR A-V-A-N-I-C-H

JM Pakistan or Indian?

DR Indian.

JM Indian, I just put his name, India, is to appear before.....myself.

JV You and me were both honchos, there's no problem.

FS (LAUGHS)

JM — On undetermined date.

FS — So you will give me a buzz about 4 o'clock in the afternoon?

JV — Now these, these things here that we are doing, the green card and all, is that they are going to be beneficial to you guys. They got to turn around and be beneficial to us, too somehow, alright?

DR — Yeah

FS — Sure

JV — So, er, that's not for us to decide. It's for you guys you know, to see what the story is.

DR — What was that? I did not hear what you were saying.

JV — Like I am saying we are giving passes out and we are not going to hit you guys and all the same way it is going to be beneficial to you with Childs, and Corn Cob and, er, these places here, the B & B's, it's you know, one hand washes the other. They gotta be just this.

JM — Hey, which store is he at, is he always at the same store?

DR — Yeah.

FS — How about if I gave you a pass to any Brew and Burger to begin with, I mean I don't know what else we could do. You guys don't want that? How about one of the larger restaurants?

JV — You know, we don't want to start getting into these places, to go to restaurants and all stuff, like that, it does not work out that way because you never know.

JM — Alright.

FS Well, what can we do for you?

JV As long as, as long as we are not hitting you, well with green cards and all, you know, if we get caught, I am just thinking, if we run into these restaurants and all, we are going to have a problem because you never know if we are getting followed.

JM My name, his name, you know, this is - I put on here it's always there.

DR Right.

JM So there will be no doubt about it.

DR Right.

JV Something, er, so we work something out on a monetary value where we don't get bagged going into restaurants with passes and leaving passes and being watched by one of our, you know, superiors, shoe-fly. You know what a shoe-fly is?

JV That we, you know you are washing our hand and we are washing yours and there is no problem, follow what I am saying?

FS Sure.

JM Even on the street, have him keep it in his wallet, like a social security card.

DR Right.

JV Make sure he never leaves his wallet home. Heh.

JM He might not get touched in the store at all times.

DR Absolutely.

JM You know, a guy gets stopped on the street, too, in his house.

FS That can happen, huh?

JM You know, we don't always go to stores. We stop people on the street.

JV Because you see, if we start coming in here, we can have a few beers with you now and all, but a, not every week and stuff. Like if we come over on our day off, come down and see you, it's a different story, but like you say, go to r[illegible]aurants you never know when we drop in like I told you this place, er, King of the Sea, or something, on 72nd and Third, gave us a couple of passes, that's no good because you never know what's going to happen when you go in there.

FS So how can we work it out. We're willing to do anything.

JV I don't know, er.....

DR Look, you know, umm, there is nothing wrong with Brew Burgers. If I have a friend of mine that I want to feed nobody is going to stop me.

JV That's not the idea, because we are not going to be hitting you this hard and all, do you follow what I'm saying? It don't work out that way. I can't, can't have friends, we can't have friends you see, we are not supposed to have friends, especially in a chain, that we, er....

JM Especially, since it is known we pulled a lot of people out of these places.

DR How about if you just have one store that you can go into.

JV And if we have a pass for people who are coming here and it is a no-no, and we are going to work on a green card for your buddy there, you got to

JV (CONTINUED) put down his employment, it is another no-no. As far as I am concerned. I never want to see a Brew and Burger, unless I am hitting it.

FS What if we send you to a place like Luchow's?

JM I would never come into a place like this to eat because who knows who's behind the register.

JV We can't. We can't do passes. It is an impossible thing. We can't work it out.

DR How about if we go to just one store where there is two people working there. You can only go there before 8 o'clock, before 7:30 say for dinner.

JV We can't, we work nights, it is impossible.

DR You are allowed, you are allowed to have a half hour break for dinner, aren't you?

JV Not really, not as the honchos, it's hard, you know, we get them but....

DR Cops are allowed.

JM (Inaudible) Oh, yeah, as where we are going, if we tell someone we are going 10-7, it means we are out of service.

FS Do you have any idea as how we can wash your hand?

JV I just, you know....

DR How about a brewery?

JM Brewery? You got breweries?

DR Yeah, well, it is called The Brewery.

JM — Oh, there is one in Brooklyn, right?

DR & FS — Yeah, right.

JV — You see, you see this is what we are trying to say, if you tell us your places, we can stay away from them, but we can't get caught going into any of these places, you see, we thought about this and we did a lot of heavy thought because, like I say, it is a 20-year thing down the drain for us.

DR — Yeah, right.

JV — But, er, he is getting married and I am getting engaged, we don't want to lose our prospectives and we don't want to lose our jobs either.

FS — Well, what could we do for you?

JM — Corporation, do you own the corporation or simply the Brew Burger Division, or is it broken down that way? Would you like a cigarette?

JV — Yeah, thanks.

DR — I am the, er, supervisor in charge of the Brew Burgers.

JM — Oh, but it's got a corporate tie-up somewhere along the line with all these other things?

DR — Yeah.

JV — I'd love to see your cigarette machine.

DR — Yeah.

JM — It is good for a young guy to be in such a prestigious position.

DR — You guys too. Ha-ha.

JV Well, we just got where we wanted to be, you know, because you see, these older guys in the office, you can tell because they will say, "Well, you can't go here, you can't go there," we know we are not, not in a major giant outfit, we hurt on a small scale. We are not the FBI, or DEA.

JM We don't have the manpower to do what we should do.

FS Yeah.

JM We don't have the funds, either.

JV Like you were saying, with your car, you park it anywhere, you know, you got the PD on your side, right? You talked about Lindsay and all that's fine. I don't even want to know about it, that's --that's your gig, but a, ya know, if we can work things out where it is in a monetary situation, we don't have to worry no more. I don't think you know the guy who owns this place, he loses a little asset here, it's not gonna, it's not going to kill his pocketbook, help ours, not kill his.

JM Because we realize we are more or less a nuisance to you, if you put down your foot and said, "Alright, only citizens," you got us. It would be hard to find them, I grant you, but the worst the economy gets, the more people out of work.

JV And the economy now is going to go zoom because the Vietnamese are coming.

FS Yeah, right.

JV And you can't get them to cook hamburgers for awhile because they don't know nothing.

JM (2-second interpose) you have no problems if you can speak to them, I don't know if they talk English.

JV Number one, they don't speak your language, number two, in Vietnam, they don't have Brew and Burgers.

FS I want to be sure of what we said so that I got this in my mind, you will call me at 4 o'clock and you will tell me where you are going and when you go to the store you call me and I will come there and I will see what you are pulling out.

JV Yeah, alright, so now yo got....

JM Once a guy is in custody, it is awfully hard for us to say disappear.

FS Yeah, but I could tell you like if there is something really important, you can take your biographical data, whatever, and then

JM We'll dummy it up.

FS Dummy it up?

JM He will come to the office with us

FS Right.

JM Just like you know, all the others would, but we will put him in a separate room, you know, like we do when, usually, we interview them in a big roo

We put them in a separate room, we will tell, you know, like he is giving us trouble, he is lying, yell, scream, you know, make a big scene, goes into a separate room and no one knows what goes on after that, his friends know that he came with them just like they did.

JV You know, in a monetary situation there is no problem. You can, you can, we can see you there somewhere in a place when we come and talk to you, so you talk to me, shake my hand, and it is all done. You take who you want and that's it, so that's it.

FS Money.

DR Yet you are worried about risking something and that's the worst thing.

JV But that's the only thing that we can work.

DR The worst thing.

JV That's the only way we can work it out though, there is no other way because it can't go any place, walk in and walk out, and not pay for a dinner or anything like that, it's impossible.

JM Look, we have explored all the situations before you even came down here, otherwise we would have been coming down and taking people out.

JM You guys, you guys are more or less...

JV This, this is the only way because we can see this is the way it is done other places.

JM We, we've got our jobs but, I have certain circumstances that put me in a situation where there's more things that I need.

DR What do you mean?

JM I have been on this job roughly a year, two years, with IRS, it's good money as long as you are willing to live within the means. I am getting married, more or less, I want more for her than I can give her on my pay, not talking big money, you know.

DR I don't want you guys to think that ahh, I want favors and I am not going to come through on that because just like you have a lot to, you know, at stake, we have got an awful lot at stake, you know. I'm not naive. It came to my mind, the whole conversation, and I am really, I am very, very, very reluctant to do it.

JM Yeah, we were also.

JV You're reluctant! We are more reluctant than you. We talked about this for a week now, you know, and like I proved to him, it works, that's all I can say and he can bear me out, he knows it works.

JM We more or less guarantee results.

JV You can keep on with it. You got to remember that your green card, that's a biggy, and we can do it, it can eventually be done. That's bigger than giving that piece of paper to you now. You know what I'm saying, because that's going through, like ahh, eight or ten channels where my name or his name is going to be on something and it's got to be golden on paper, otherwise, they are going to kick it back, we can make it golden.

JM We know the setup of the Immigration Service, he better than I, he has been there longer, more or less, if you are, I am not saying you have to get crooked, more or less, if you know the angles.

JV We are not being crooked.

JM That's why guys run after lawyers. That's why this guy charges them $2,000, he knows the angles, the angles don't always work, but most of the time, if you know what you are doing, right, you get results.

JM As I more or less explained....

JV You know it, as far as it being crooked.

FS 500 bucks to (1-second unintelligible)

JV As far as being crooked, it is not being crooked, it's a slight favor.

DR Who's gonna pay it, him?

FS Yeah.

JM Look, he paid a lawyer $2,000 didn't he? Alright, look, I know you are feeling us out but we are feeling you out.

DR Alright, let's put it this way, let's put it this way, I mean he just put, er, made a point there.

JV Well, like we had to think about it, you guys got to.

DR If the guy's going to pay 1,000 bucks to a lawyer, it certainly is worth the same, or 500 bucks or something like that, to anybody to get the papers.

JV That's what we're saying.

JM But more or less.

DR But I would not pay the money.

JV Well, that's up to you, that's not up to us.

JM He is not worth it to you, right?

DR I can't say anybody is worth it to me.

JM Yeah, yeah, I understand.

JV Well how about the chain, like we were talking before, the chain itself has got to be worth it to you, so that you don't get botched up and kicked around all the time.

FS But even after he left, the chain would still run.

JV Yeah, I am saying he said we knocked you out of operation quite a few times.

DR Even so, the chain will always be running, even if we have one waitress on the floor, the name is still going to be up there, there's still $100 grand investment.

JM Sure.

JV But I am not talking high, I am not talking on the high scale level.

DR I understand.

JV Now, you are over my head by, way over my head.

JM By many zeros.

DR I am just talking about investments in the store, investments in a career. I am not saying that it is not worth it (INAUDIBLE) I am saying it is not worth it for me to pay it or even get involved in that, that's what I am saying. I would love to figure out a way that... You could get it

JV So you don't have to give us the money, give it to, you know, somebody else to give it to us, one of the, somebody you can trust, somebody you got, er confidence in, not even him.

DR Well, I ahh....

JV Like we had to think about it, about ahh, you know, for the week, you know, we even talked about it a little before that when we were driving through and they told us, listen, you are running the show now, this is yours and it is going to be there awhile. Now we know, it's going to be there because we have seen the past histories and how it has been

JV (cont) there. We know it is going to be there to stay, and ahh, two, three years from now we can tell you and as we are breaking people in we always know how to pick out somebody like, you know, we had to feel each other out. We did not ask to work together.

JM I know let me tell him....

(Inaudible)

FS Just tell AVINISH (PH.) with the 500 bucks. Don't even show him this card. Say look, for 500 bucks, you don't have to worry about Immigration. Then you gave him a card and told him we are going to get the green card and have him pay the money.

JV You got to make sure he knows it is not going to come in a day.

JM Yeah, he has got to be patient, but the card will last him, the card will last.

FS At least he has the pass right? The card will last him till he gets....

DR I would like not to be a part of that, I mean, I just have too much at stake to be a party to that.

JM Right, I can understand that.

JV Listen, I don't know, you sound like you are the head honcho, like I am the head honcho.

DR I am.

JV You know, so ahh, I am the head honcho in the form that I am in the middle, but I am the head honcho for nights. Now, I'm there, there is nobody I got to answer to above. Why, why we are not doing this or why we are not doing that and if he wants to know, him and I can give him the reason why.

JM Because the only guys who want to work at nights are the young guys because there is more money in it at nights. you get 10% differential. ... more or less.

JV What do you think we are working nights for, our health? Like we said, you got to work the nights.

FS It is tough to adjust, er....

JV Every penny counts at this point.

JM You are even more night than I am night.

FS No, that's not true.

JM We are 2 to 10:30.

FS Oh, yeah, I get off at eleven.

JV Off at eleven?

FS But I hang around, that's why you guys see me so late.

DR You know, I got to get home.

FS (1-second Unintelligible)

DR I'd like to think about it.

JM No problem.

DR How to work it out and stuff like that.

JM Hey, look we are more or less going to guarantee results.

DR The results

JM How many stores do you have here in the city more or less?

JV All your chains I am talking about, I am not just talking about B&B's, we will work out something for all your chains.

JM — As far as your responsibility is more or less to Brew Burger, right?

DR — Right. Well, I am still concerned about the other stores.

JV — Yeah, but you see indirectly nobody has to know why we are not going to any of the other places. Hey, Childs comes up on a piece of paper, I look at Childs, I say Nay because I am reviewing the complaints. I'm reviewing what the guys, the guys have to come to me.

JM — You say "I ate there once." We go to Chinese restaurants, too. You say, "I ate in that Chinese restaurant and they all looked like they had green cards to me."

FS — Ha, ha. What kind of money are we talking about?

JM — Well, you got 25 stores, right? I would say...

FS — Certain of those stores we don't care about, really to be honest with you.

JV — Well we are talking now, I am talking all chains. If you have 25 stores and all chains. We are talking about your Corn Cobs and your other places and the Breweries.

JM — See, I would say...

JV — Go ahead.

JM — I would say $100.

JV — You're the - you are the Jew that runs the operation money wise, you are better than me.

JM — Each tip, each store we protect. Now, we can't hit 25 places a night. More or less, we would be giving you maybe

JM one or two stores a week. Because we got other things to do also.

JV Yeah. They give us details for ships and stuff, too.

JM Or go to the airport, take this lady to Rikers Island. What we talking about maybe is one thing a week, on a slow day of the week.

FS We will have to set some kind of amount because ahh, you guys can start saying we were scheduled for five stores this week, ha, ha, ha.

JM No, no, no.

JV No.

JM That's what I'm saying.

JV If you are saying "scheduled" we schedule, don't worry about scheduling.

JM I'm telling you now, it would be one time a week or two at the most, depending on how the pickings are at...

JV You know what days when we have a slow, slow night, like Sunday, a Wednesday, when guys maybe are kind of slow, they know Thursday is the last day, or Friday. Alright, some-place easy they want to go to, I will call you up at 4 o'clock. These guys...

JM You know, you know, what damage we do when we come in, right?

FS Yeah.

JV You are going to know what it is worth to you?

JM Can you put a monetary amount on it? What disruption it causes?

JV It is up to you guys.

JM If you say $10, I mean, you know better than I do.

FS I would say $50.

JM That's why, that's why I said $100. One trip.

JV Like I said, we thought about it, we felt each other out.

JM You know the damage we do because after we leave here we don't know what happens over here, how many phone calls you got to make and how many people you got to give cab fare to go places.

JV You told me yourself that when we hit the two places on 57th and Third, on 59th and Lex, or 58th and Third, 59th and Lex, the third place closed down, that's what you said to me, right?

FS No, it did not close down, but a....yeah.

JV Well, you lost the help.

JM Half your staff was.. so you know better than us.

JV This can all be prevented. Your aggravation and my aggravation can both be subsided you know.

FS Yeah.

JV Like I say we come to see you or whoever it is, when I come in, I say, well who is it here. We gotta work the store out though.

FS Well you guys had a week to think about it, how about you give us a week to think about it.

JV Oh sure.

FS So that we can sit down and talk just like you guys did.

JV That's fair, there's no problem there.

FS Because I don't want to say anything and he will look at me and he is not going to say anything and I am going to look, you know.

JV Now we, now, like, we're the honchos, we are on our own, I am sure nobody is bothering us right now, you know, but we got to get back to the car. We got to start cruising cause we gotta go now we have a new detention facility, like I told you, we are no longer in 20 West Broadway, these people get taken over to the Brooklyn Navy Yard to the jail, now.

FS Ha, ha, ha.

JV Over there when you got to cut somebody loose, the chances of a female getting screwed up over there is very good because one of the detention officers was ripped off already, somebody asked him what time is it, he went...

JM He had a watch like this, one of the chains you could break off..

FS Ha, ha, ha,.

JV It was history, so ahh, maybe I don't want to come to the same store to talk to you again.

FS Yeah, right, come into any Brew Burger (Inaudible) Call me!

JV What's.... alright, so say next, next Tuesday or so.

FS Yeah.

JV Is that okay with you guys, like I say you know, give us a week to, to see what we can do with the green card, we got the guy's name. Do you know when he was born around, an approximation of an age?

FS He is 31.

JV He's 31.

JM You got his biographical information and we will see if we have a file on him in the office.

DR Where he is living now or what?

No.

JM His full name, his country of birth , his date of entry.

FS Date of birth.

JM Date of birth.

JV And if he should be using a different American name like say, JOHN, because he has a hard first name to say. Say he's got a call name, give us the call name in case he has it on his forms, if there's any down there.

JM Do you know if he ever was nabbed by Immigration before or you wouldn't know, he was not.

DR Immigration once walked into a store and they did not even ask him.

JM Alright, so then it's.....

DR He wore a shirt and tie.

JV He was, er, I know, who he is, he walked out of the store, it's over on, er, I know where it is, yeah he walked out, he is a skinny guy, he is about five feet, seven.

FS No, this guy's about 6 foot.

JV Then we lost the guy. Alright that's not him.

JM Alright, than pass will be good, you know what I mean, we will vouch for that and if you are wary about what we are doing and you know, you don't want to meet until you, er well, er, I think you'll vouch we can produce.

JM we can do what we say we are going to do.

FS Yeah, are you going to call us, be calling us until next Tuesday?

JV Well see, er, do we have to or do you want us to call you before next Tuesday?

FS No, call us next Tuesday, but I mean are you going to be calling at the Brew and Burgers for a week? You're not going to be hitting us for a week, are you?

JV Well, I am boss, you are just talking to him, babe.

DR Well, I got to get going because my boss is going to boot me in the rear.

FS I will join you alright?

JV Yeah alright.

FS Okay, so next Tuesday, just walk into any Brew Burger around the same time.

JV Do you want to pick one now so we will know where we are going, or do you want to wait until next Tuesday and just make it, er, I will call you up and say we are going over to.....

FS At your convenience, any single.. any Brew Burger in town.

JV Alright, er, I can't, yeah, let me do it that way because otherwise I am not going to know, you know, what location I might be in, and maybe I can't make it Tuesday. I will call you Monday and say Wednesday, if I can't make it Tuesday, okay? Because you never know.

DR Just walk in the same way you walked in tonight, you know, just sit down and ask for FRED STEINBERG.

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JV Yeah, oh yeah, I might even change my attire so they don't know who I am.

FS Ha, ha, ha, you got one windbreaker and it's on ya.

JV Do you want me to wear a sports outfit next time.

FS Ha, ha, ha, ha.

JV Alright, take it easy DENNIS, FRED, be good, heh.

JM Take care.

JV And listen, FRED, I am sorry about that guy BRAVO, there , I mean I didn't know anything.

FS Yeah, that's ha ha ha, alright, take care.

JV Goodnight now.

##

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MEETING ON MAY 14,1975
AT 52ND AND 3RD AVENUE, NEW YORK CITY
BETWEEN JOHN VOLPE, JOEL MOSKOWITZ
AND FRED STEINBERG

JV-JOHN VOLPE
JM-JOEL MOSKOWITZ
FS-FRED STEINBERG
UF-UNKNOWN FEMALE
UM-UNKNOWN MALE

JM	My name is JOEL MOSKOWITZ. I'm working with JOHN VOLPE. Today is Wednesday, May 14, and it's 2:30. We are going to speak to FRED STEINBERG at Brew and Burger, at 52nd Street and Third Avenue
FS	Hi John
FS	Sick. I might have to go in the hospital Saturday.
JM	That bad?
FS	Yeah. Well the doctor says, it started off as a kidney infection.
UF	Would you like something?
FS	Yeah, I'll have an order of fried shrimp and a coke.
UF	A what?
FS	An order of fried shrimp and a coke. You guys want anything?
UF	(one-second INAUDIBLE)
FS	Tell them to open it. You want anything?
JM	Yeah, I'll have a, I'll just have a beer.
FS	Beer?
JM	Yeah.
JV	I'll have a gin and tonic.
FS	Okay
JV	I've been eating too much
FS	Listen, the kitchen is closed.

JV It is, heavens.

JM Open it

FS Uh, okay, uh, we've discussed this with different people. Because this A, you know, a little bit big for us.

JM Yeah.

FS And uh, the way it boils down is, I would have to put the hands on the money myself. Now the company's point of view is well, we have supervisors who take care of this. What they mean is, I do the hiring, so if I'm hiring illegal aliens, then I've gotta to suffer with it. And if I get rapped by Immigration in the store, then I've got to cover it. They said they have a supervisor to run the operation for them, so they don't have to worry about it. Who I hire, and what I do is my own business. So for them, they don't want to get involved.

JM Yeah.

FS My job depends upon my being able to handle my units. I can't handle my units. then they'll get a supervisor who can.

JM Right.

FS But to pay money from me to Immigration is not worth it for them. Why don't I hire legal aliens to begin with, that's their point.

JM Good business.

JM Makes sense.

FS So, their whole point of, my whole thing is, I have no way of putting myhands on money. In other words, I oversee the operation. But normally, the money, physically, is out of my hands.

JM Touches you.

FS Right. In other words, the checks are paid to the cashier. The... her and the manager writes out a deposit slip and deposits the money in the bank. I can't touch that money. It would show a shortage in the store.

JV Right. Hm.

FS All I'm be doing is robbing.

JM Right.

FS I'm really, so that physically the money would have to come from my own pocket. Now, the whole thing is, who am I protecting. I've been in physical fights with some of these Thais and all this kind of shit, and to be honest with you.

JM Ain't worth it?

FS We already converted eighty percent of our illegal aliens into legal aliens only because of that blitz you gave us. We've already made a substantial conversion. I got left now maybe fifty people in my whole crew of thirty units that you guys can pull and if you pulled them, I wouldn't be unhappy. They were the people I couldn't get rid of because they were strong union. So now it boils down to if I could put my hands in the money, it would be worth it to me so that I would never have to worry about Immigration again. Now that I can't put my hands on the money, I'm still unhappy about it, because I'd like to, ya know, work with you guys but....

UF (10 SECOND PAUSE) Beer.

FS Heineken, huh? Jesus. Ha, ha, ha, ha.

JM Thank you.

UF Coke?

FS (INAUDIBLE)

JM Yeah, right.

JV No sweat.

FS That looks awful nice. But uh.

JV Not when you're working.

JM Bad for your health.

FS At Cobbs & Childs, those guys have their own worries. They have supervisors to dictate ya know. While I get paid to take care of my business, and, uh, they get rapped, it doesn't affect me in the slightest. I don't have to give them people. I don't have to cover their stores. I don't have to worry about shit with these guys. Matter of fact, they don't do too much hiring of these illegal aliens. They hire mostly blacks, Puerto Ricans, cause that chain stores on its way out.

JM Yeah..

FS And uh, what it boils down to, I've only got one person that I want to take care of.

JV Yeah. I understand that.

FS Just my girl and I'm willing, I was willing to cover the whole chain, just to protect her, you know. But in a way it's silly, silly, I can't put my hands on that kind of money. See, when we first started out with doing this, I thought that you were offering

FS (CONTINUED)	I didn't, at that time, you weren't a top honcho, you were just a guy in the field, which is what I'm considered as far as your (INAUDIBLE) this company. You got the owners. You got a guy like DOLAN, who runs a the whole shit. And uh, in a way, you know, we started off was, I figured you could do me what you could do as a person in the field, and I was going to do for you what I could do as a person in the field.
JM	Yeah.
FS	There are certain things which I, I have privileges to, you know like, uh, the best restaurants in Manhattan, that we own. You know, it was my privilege to go out in the evenings, you know. That was about the most that I had in mind.
JM	(INAUDIBLE) Yeah.
FS	Or the ability to offer, there was nothing else, you know.
JV	Yeah. How about his, uh. How about DENIS' uh, manager. He wants that, uh, card for, green card?
FS	Yeah. That's another thing we depend on. Now, we've also told various people, like we joke around, we say, "If we can sell you a green card for a $1,000 dollars, would you do it?" We asked about 25 people. Not one person said no. So we can turn you on to people who are close to getting their green cards.
JM	Umm.
FS	That would, you know.
JM	Well, (INAUDIBLE) if they think they're close.
JM	Yeah, (INAUDIBLE) if they think they're close.

FS Shake 'em up a little bit. Yeah, they are close already with a lawyer, but if we shake them up and say, "I don't think you're gonna get it," and we turn them on to you. You'd be able to put it through the end.

JV We can do it.

FS Now this guy AVINASH, he can get his green card.

JV Because we've been, uh. You know something, we can work something out. We can go for an arrangement.

JV OR FS ?

FS My girlfriend would be willing to buy a green card. Her sister's coming to the country. She'd be willing to buy a green card. We can turn you onto so many people, at $1,000 a rap. That's the price we told them, a $1,000, they agreed to $1,000.

JV What do you say to that?

JM That's better than a hundred dollars a week, for sure.

JV That's much better than a hundred a week.

FS. Right.

JV I think, er, because we looked into it, we were there since 5 o'clock this morning, why we couldn't catch up to you last night. We had a big raid and, unknown to us, we had to work it. In being a honcho, you gotta be there. Because you're working with other agencies.

FS Yeah.

JV You know, you're working with other agencies, and a honcho's a honcho.

FS I'm gonna bum a cigarette from ya. It's gonna give me a headache, but I'm gonna do it anyway.

JM Go ahead, already.

JV Now that's what what we were thinking, saying, "Listen, we get this thing down, I think we can work something out here."

JM Can't have three on a match, JOHN.

FS Right. See the way we were thinking.

JV Think this was Vietnam.

FS If we went to the people for money, too many people would know.

JM Yeah.

FS That a Federal agent was being paid off.

JV Umm.

FS We're both guilty of the same crime. I'd give you money, I'm guilty of bribing a Federal officer, and you're the Federal officer. So why, it's no good for me also to have people finding out that Immigration is taking money. So if I want it it's okay "This store will be protected tonight. Everybody chip in a 50 bananas." Too many people know that way.

JM That's ridiculous, right?

FS But if we turned you onto somebody straight. You and him, I'm not involved, that guy bought his green card. He's not going to open his mouth to anybody. You guys make 1,000 bucks a rap. The first guy will be the manager.

JV Who's gonna sponsor them. Who's gonna sponsor them? Will the store back them up and sponsor them, we'll give them the green cards. The only, only thing that you got to do is we're gonna have to get them someplace, not, not

JV (CONTINUED) tomorrow, not. We have to get them someplace, which we have to have all the papers signed, do it all legit, go right down the line, and then we're going to have to a get them get their prints in the file. And we are going to have to run those prints, maybe have to run them. Do we have to run them or not? Just make sure they don't have a crime in their own country.

JM As long as they are not guilty of a crime somewhere else.

FS Sure.

JM That's cool.

FS That take's all of us. If the guy's guilty of a crime, who the fuck wants to get him a green card anyway?

F S I'm American, man, ya know. Why do you want him, you don't want him in this country ya know You don't need some guy from Colombia who, who's murdered five people down there.

FS Yeah, right.

JV We don't want him here.

FS Yeah right, Neither do I.

JV So alright, we have a mutual understanding right there.

FS Cashier No. we're in agreement, as far as that's concerned.

JM Most of the people you spoke to are people.

FS Good people, these are good people.

JM Yeah. In the store.

JV Does this include,uh, the Mexs that are...

FS No, no, no, no. These are guys that have been in the country five years, six years, seven years.

JM That right, that long?

FS They're managers.

JV Guys that are having problems, like your buddy.

JV DENNIS REISS' friend.

FS Right. These are decent guys that like I say, are close. They are not Mexicans, that don't speak a word of English.

JV Right.

FS I wouldn't ya know have a dishwasher, have a green card. I mean, uh..

JM A guy who needs a break.

FS It looks too obvious, anyway.

JV Well, alright.

FS If you get a guy like this guy a green card, it doesn't even look suspicious, the guy should have a green card.

JM Right.

JV Right. You got it. But, uh, we can't do it in dribs and drabs. We want to do it so that we'll gradually get them, and we'll have all the papers 'cause we just can't take 50 forms.

FS Yeah.

JV You know, we'll take them 'cause they are numbered, you know, so we'll take one here, one there, one here, one there. I mean, because we looked into it.

FS We have,
We have to work out a way where I can, uh, contact you at home.

JV Yeah.

FS Or you contact me at home.

JV Yeah.

JM Yeah, you got to keep the business out of it.

FS Yeah.

JV Yeah, we don't have to meet at one of these places all the time, you know.

FS No, no, no, no. We'll set it up for a restaurant somewhere that doesn't belong to the company.

JM Yeah, where we got to go in and pay, so it looks legit, like a businessman.

FS Yeah. We'll go out to dinner, the three of us and our women, or something like that. And ah..

JM We'll all wear jackets and ties, It looks good.

FS Right, you know, we'll make a point of where we can meet those guys completely, and if, even if it's out of the city, I don't give a shit, 'cause this guy is going to meet ya . I don't have to meet ya . I give you the name, I set up the appointment with you, tell this guy where to meet ya . I tell him ahead of time it is going to cost him a thousand bucks, tell him to bring himself a $500 deposit or something like that.

JV Yeah, we'll have to meet the people. I don't know how we're going to have to do it. We'll have to figure it out. We'll have to read the forms and see 'cause maybe we can shift,

JV (CONTINUED) you know. If we do it on labor certs, right, through companies, main company, right. We can sign it, we can get them all together somewhere, another place and have them sign them all.

FS Right.

JV Cause, Then it will be him and me.

FS Aren't you better off doing one at a time?

JV Yeah. At the beginning. You have to, you have to do it one at a time. But then, like

FS (Inaudible) (Conversations Crossed)

JV No, can't do that because the green cards have to be issued in a certain form in the order, in the office. We checked it out. So we got to do it in bulk.

FS How many do they do at a time?

JV Well, they do it in the office, a hundred at a clip, see, a day. So we got to get, we got to gradually get ours in, get the appointments down, and tell them our floor, that me, "Hancho" is putting in so many this one day.

FS How many people would you want me to line up for you?

JV As many as you can get.

JV A thousand dollars a clip?

FS Yeah, right. I can think of five or six right offhand.

JV Well, listen uh.

FS The manager next door his brother is legal, immigrant right? So he can probably get one, but he doesn't know that. He's getting ready to pay two thousand dollars for a lawyer.

JV Yeah.

FS As far as he's concerned, he's saving a grand.

FS Okay? I can say to him, twelve hundred bucks.

JV Listen, you can even, even up it, and, uh, and uh, get something out of it for yourself.

FS Depending how close the guy is. I'll up it. You know what I mean or, or I'll talk to them about their lawyers. The guys say to me, two thousand, four hundred for a lawyer. I'd say fifteen hundred for a green card.

JV Beautiful.

FS I'm a businessman.

JM Sure.

FS Nobody says a thousand dollars.

JM Supply and demand.

FS Depending what the people could afford.

JV It beats a hundred a week.

JM Yeah, I mean you can't sell it to a guy who ain't got it for a thousand dollars.

FS It's too dangerous. A hundred a week, ten raps, to get a, the thousand.

JM Yeah.

JV You got it.

FS Then you've committed ten crimes, to get a thousand dollars.

JV Yeah, cause you know we're we're putting us out on a limb, and we still got another, oh I'd say ten days feeling out the paper work and all, and maybe having to see or talking with one of the girls. Well, listen, we have to put these in on a certair date.

FS Right.

JV Gonna have to, have to get together. Get the whole group together. We can fingerprint them all. Have them all sign it and then that way we'll know exactly right then and there, we'll see our money and they'll see all the forms and we're gonna give them the labor certs, whatever it is that we're gonna do. We'll have to, we'll have to see which forms are the most appropriate for Thais.

JV Thais, you tell me the nationalities. How many have to....

FS Right.

JV We have to get labor certs for different type of a company.

FS Once it get through, you got the card, right?

JV It's history as far as, if he gets stopped. Look at this, okay. Thank you. Goodbye, good luck, see.

JM Let me ask you a question. Seeing, you know, most of these people, and we don't. Of course, you want something for yourself, or no?

FS Uh.

JM You want anything for yourself?

FS No. No.

JV Well, I just saying, you know, 1,000, 1500, 1,200. We'll take 1,000 and you'll take the, uh, you'll take the cover.

FS I'm not involved.

JM He, he don't want anything. Alright, that's good.

FS I'll send the people to you. You guys can do whatever you want with them.

JV Alright. We're gonna have to get somebody to sign these things. Somebody, somewhere along the line is gonna have to sign the labor certs. Because you want to make it legit. That's what I'm saying. This is gonna be strict legit. This isn't gonna be phony or nothing.

FS Yeah.

JM We're doing it and we're playing the angles the way, the lawyer would do, but we're playing it cheaper. Same thing a lawyer would do. So.

JV Instead of having the lawyer get the labor cert, your attorney box, there's no name, you did it yourself. That's all, no big deal. (1-second UNINTELL.) But, uh, other than that, we're gonna make it totally legit.

JV Brew and Burger is sponsoring twenty or ten, fifteen, or Brewery is sponsoring five, somebody else is sponsoring. 'Em all on the up and up.

JM Whoever you can sign for yourself, you know what I mean?

JV If we're signing them, and because they're gonna be labor certifications they gotta sign them. Somebody who's going to sponsor them, because when it gets reviewed, they're gonna say "This guy's getting a card and, er.."

FS They'll have to get their own sponsors.

JV Uh.

FS They have to get their own sponsors.

JV For labor certification, they're gonna need a ya know --well, they can ask you guys.

JM If any of them are managers and such.

JV A manager can't sign a labor cert for himself, being the manager of the place. See, we need an authorized agent's signature of a worker, not a worker, but one of the honchos in the place where he is gonna be employed.

FS Uh huh.

JV See, like I said before, you get a mechanic washing cars. Some guy in a cab company signing for him, that's no good.

FS Yeah.

JV If you people really want these people to work for you, there's no problem.

FS Excuse me.

JM Sure.

JV I'm trying to angle him. (UNINTELLIGIBLE) We want all the people together and we want some of these guys there too.

JV (cont) (PAUSE). A thousand dollars a green card, 20 people at one time, we'll take it, and bust them.

(20 second background noise)

JV Need another drink.

FS So that's a pretty good idea, isn't it?

JM Very good, excellent.

JV The only thing is, you're gonna to have to straighten it out with whoever it is you got to straighten it out with, who is gonna sponsor who, what restaurants. We don't want everybody sponsored from ya know Brew Burger. Like you said, you got the Brewery, and you got the, whatever other places they work. You, uh, when you're "honchos," you know, if you got one, if you got one boss. I'm saying this for conversation's sake. You are the boss that overrides all these people.

FS Uh, huh.

JV And you know the arrangement. As long as we could say, er, supervisor and he's sponsoring these people and he does have interest in the company.

FS Uh, huh.

JV Like, you're, you're a honcho, DENNIS is a honcho, whomever.

FS Well, like my girlfriend. I'll do as my executive secretary.

JV Yeah. See you got a, er...

FS That's legal.

JM Or else maybe....

JV That's what I'm saying, no sweat.

FS The manager of the company will sponsor her.

JM Yeah, that's all, whoever it may be.

JV So now you get twenty-five people, you can sponsor maybe ten. DENNIS can sponsor ten. BRAVO can sponsor five.

JM Whatever it has to break down to.

JV It's got to be somebody who got a little prestige, not some guy who stands in a store, and get's switched from store to store.

FS Uh huh.

JV 'Cause all they got to do is, when they review it, they call up the store, well, let's see, Mister DENNIS RIESE, Supervisor of Brew and Burger. They call up, "Hello, Mr. RIESE, on your payroll, do you have uh, Miss TAIWAN." "Yes, we do." "Very good."

JM And what does she do? She's an executive secretary and she speaks languages and helps, you know, does all sorts of with the help.

JM Yeah as long as you can....

FS There's not going to be any problems about getting these people green cards are there?

JM No, we're playing an angle like the lawyer would play an angle.

JV That's what I said, that's what I'm saying, we're doing it legit. We cant leave boxes empty that can't be left empty. If you're sponsoring them, you gotta sign for them. We're gonna sign it, you're gonna sign it, and everything is gonna be honkey dorey. The only thing we're gonna need though is, like I said, we're gonna have to prints have

FS And the prints are a standard thing we do that every day thousands of ....

JM And, and you know the people, you know that people you're dealing with. You know if they're, you know. First of all, if they were criminals, they wouldn't be working. They would be doing crimes over here too. If it's in the blood, it's in the blood. So like I mean a good thing for possibly your girlfriend, like bilingual executive secretary, because there are not many Americans qualified to speak certain languages.

FS I have legal Thai people in this company and I'll sponsor her as executive secretary, simple as that.

JM Right. And she communicates with them because some of them are not fluent in English. Whatever the reason may be.

JV And you know this also, this will also by-pass a lot ot time, aggravation, and they won't have to leave the country for it. It will be issued to them right here, ya knc cause after we get all the paper work together.

FS So how do we start the ball rolling, I got to get together some names, right?

JM Names and nationalities.

JV You got to tell us who they are You know what we need. We need their -- the town where they were born, Thailand, say, Foo Young Thailand, whatever. Alright

FS Let me write some of this down. Biographical data.

JM Biographical data.

JV Full name, their date of birth, their exact, you know.

JV Alright. Sure.

JM The scorge of man.

FS Yeah I don't even have them any more, I'm just paying for them now.

FS Name, date of birth

JV Right

FS Town, place of birth, age.

JM Well that's date of birth.

JV We're gonna need, we are going to have to see, er, passport numbers, we need their passport numbers. Tell them to bring their passports when we meet them all. This isn't going to be for a while; It can't be done tomorrow, you know what I mean?

FS Oh yeah.

JV I want you to get a ya know substantial amount of names together.

FS Yeah. How many.

JV As many as you can get.

FS I think I'll start with five to begin with.

JM First pick your best people, the people you have the personal interest in.

FS Take the five best to start with, and then I don't want - I don't think....

JV Well, we can't hold the applications on the side that long after we set them all done. We got to put them right through the process and, and get the cards, ya understand?

FS Being that I'm going to sign all the sponsors, I don't think I want to sign them all.

JM Not all of them, just the ones you have personal interest in.

JV You know what you're going to have to do. You have to line up somebody who's going to sign five with you. You're going to sign five, somebody else is gonna sign five, somebody else is gonna sign five.

FS Look, let's start with five names so DENNIS and I can split the first five.

JM You know, take the ones that ya know, you care about.

FS That's five gran for you guys, maybe a little over five grand. Let's handle five and the beginning. Because I don't want too many people to know what's going on. If two people know what's going on, tell 2 more people, then 30 people know what's going on.

JM And make sure the people you're telling this to....

FS I'll take the five best, that have half a brain. So we don't have any problems.

JM People you speak to, you got to impress upon them you know, look they got it, don't tell no one else, only people you have personal knowledge of yourself, or one of the other managers.

FS Five of the top people that are very close that I know of, two managers, my girlfriend, and one other guy.

JM Yeah, anyone else you know, you know is okay.

JV Okay. No sweat. Passport numbers, what type of visa they came in on.

JM That would be in the passport.

JV We want to see the passport.

FS You'll set up the meeting with me. I'll just tell the people where to go and I won't even be involved when you deal with them.

JV Somebody is going to have to be there to sign the forms when we bring them. Everybody has to sign. And then we're going to hold them off.

FS I'll have to be there that night to sign them?

JV If that works out, try and line up the rest of the people. Cause like I said, we do 100 a day. So I'm gonna put in, not tomorrow, not the next day. When we get this thing together, when we get it rolling, whatever time it might take. We put it all together, okay, get everybody down. I'm a print expert, that's no problem, there and I'll knock off all their prints.

JM You know what we'll do, you and your friend DENNIS pick five and that's all we'll start, alright, between the two of you.

FS I agree. Play it cool,because we can't handl handle big numbers.

JM No, it's ridiculous. We'll meet then you'll sign the sponsorship papers.

FS Here's my home number.

JM We'll get the information and we'll need off of them and we'll proceed with the five top people. They got to zip the lip, because you're going only pick the ones you know that are realiable and trust. We get one guy who tells another guy, tells another guy.... guy comes up to our office, I want to speak to these two guys about getting a green card.

FS Yeah. Right. I know it, that's what I mean.

JM People you can trust personally.

FS I'll tell them not to talk to anybody but me.

JM That's right.

JV Perfect. That's just what we want. The idea is to get the ball rolling we will see how the five work and they come down, good. No problems. Get everybody else together, get all the forms (1-second interpose) put that in the next day. You got your responsibilities. You know, lining some of these people up. Say you get twenty-five people.

JM First let's do five.

JV Yeah, I'm just saying...

JM He'll take care of his girlfriend. DENNIS will take care of his manager and a couple of other guys you have, ya know personal interest in, that you know personally. And then we'll find some more guys, talk to a different manager of a different... Maybe Brooklyn, whatever. He's got five guys he's interested in. You know, his manager, then we'll meet with them, we'll take care of it that way.

JV And you know, it gives us ya know a different angle, then what we got gives us time to figure it out.

FS I'm just doing it as a personal favor I don't want any money. I don't want any, er....

JM Sure, these are your friends. These are the people you have interest in. that way you know , no problems.

JV Now, Let us look and see if we can get a mutual place to meet where we can find a place where all these people can get together. I'm talking now this is in time, get them all together, I get a portable print kit. Bring it down there's no problem there and we'll do it when it's convenient for everybody. We'll just tell them one day, they might have to take off work or something.

FS How'd you get so sunburned?

JV I'm always like that. I'm out in the wind and all that. I was up on the roof today for a while before I came to work, laying out and reading the paper.

FS That's a good idea.

JV So you think that, er....

JM Not a bad color.

FS You'll get in touch with me.

JV Yeah, I'll give you a call. No, depends on how long it's going to take us to get, ya know see what we got to do. We will have

JM We will have to scout it out. A week, two weeks, whatever, ya know you talk ..

JV You scout, we scout, and we'll get it all together.

FS I guess you're going to get $2,500.00 a piece.

JM Yeah, no big deal.

FS You'd have to do fifty stores to do that.

JM And you, you sound out your people.

FS The way you wanted to work it, it would take you a whole year to make that.

JM Oh, yeah.

JV Now, how about, uh, we're gonna have to eventually come back and take a cook or something once in a while, or a dishwasher.

JM Oh, you got no problems with that.

FS I can tip you off exactly where to go.

JM No sweat.

FS I'll give it to you tomorrow morning.

JV We'll do that on the phone, then. On the telephone. I'll give you a call.

FS You say you got to hit a store tonight where do you want me to go, go to 86th and Lex. I don't like the cook up there, or some shit. Pull the whole store.

JV Yeah.

FS I have a bunch of boobies up there.

JV No pro_lems.

JM No problem.

FS (Inaudible)

JV Beautiful.

JM Well you can set it up too, so there's no problem . You can put them there at the beginning of the week.

FS Yeah, right.

JM We'll go down Thursday, they've been there a whole week, it don't look like a set-up.

FS Yeah, right.

JV So you give me some time. Figure out how many people you want eventually, that you want to sign, make it worth our while, make it worth your while....

JM Oh, starting with five people is good enough.

JV (Inaudible) is good enough, right.

JM (Inaudible) I ain't greedy.

FS (Inaudible) Yeah, I told you that's what you'd make.

JV But I'm saying don't, don't forget (Conversation interposed) somebody that you, you know, you should.

FS There's only one person that I'm concerned about, they can fuck the rest , one person.

JM Yeah, well that's all. Well, you figure who is a boss, has somebody he's interested in. Somebody who's a good worker, knows what he's doing, his girlfriend's messing around, ya know, something like that. Alright, we'll take off.

JV Okay , we'll be in touch in the near future, alright?

FS yeah, right.

JM Alright, take care of yourself. Feel better.

JV MOSKOWITZ; (Inaudible) Talk to DENNIS to see if we can get something up. or what.

FS Well, if I go in it won't be for more than, for two or three days.

JM Okay.

FS (Inaudible) I'm off Friday and Saturday.

JV Ya know, I'm off Friday and Saturday.

FS Oh, okay.

JM Okay, that's no problem.

FS God forbid, man, two or three weeks, never happen.

JM Well, you get a good rest.

JV Get bored.

JV Yeah.

JV That's beautiful.

FS Still thinking. Hah.

JM Yeah, he did us a solid there. We won't be spinning our wheels.

JV (Inaudible) Sun.

JM Ya Got a green card?

JV (LAUGH)

FS (LAUGH)

JM I tell ya, sometime the temptation is, is overpowering.

FS Yeah, right.

JV Take it easy

FS Where are you guys going?

JM Down there, we're parked down there.

JV We parked down there, in a DPL spot, I hope they didn't tow it away, or else we'll get very annoyed.

FS Don't you have DPL plates?

JM No.

JV DPL plates? Not us.

JM That's diplomat's plates.

FS: No Department of Justice plates or anything?

JM We got a sticker in the car, but, ah, sometimes, the cops get the Rag on too,ya know

JV Put a flag in the car.

FS See this guy walking here? Candidate Number one.

JM To the left?

JV You know him?

FS Huh!

JM To the left.

FS The guy on the left.

JM	Yeah!! Where is he from?
FS	Ah, Pakistan.
JV	He's the guy you want to keep?
FS	Yeah!
JM	Yeah!
FS	He's one of them, not the guy DENNIS was asking about, but he's also a smart guy.
JM	A different guy. He looks all right.
FS	I've already told DAVE(?) take care.
JM	Feel better.
JV	Be good.
JM	Take care of yourself. All right.

END

G.T. 3-21-76

MEETING ON MAY 22, 1975
OF JOHN VOLPE, JOEL MOSKOWITZ,
FRED STEINBERG AND DENNIS RIESE

JV - JOHN VOLPE
JM - JOEL MOSKOWITZ
FS - FRED STEINBERG
DR - DENNIS RIESE
WG - WILLIAM GIAMO
MANGO--JIM MURRAY
BH - BRIAN HAVENS

(4-MINUTE BACKGROUND NOISE)

JV — We're right in front of the first place and we're going in.

(2 minute, 8 second PAUSE)

UM — Is this where we're going?

JV — Three hundred, forty-seven.

(11 minute, 20 second PAUSE)

JV — My name is JOHN VOLPE, my partner is JOEL MOSKOWITZ. It's May 22, 1975. We're going to speak with FRED STEINBERG. It's approximately 7:45 PM.

(48 second PAUSE)

FS — There he is. Hold on, there's not, there's only one guy here that you're gonna get so we'll give you two different stores.

JV — Only one in here?

DR — Yeah.

FS — Yeah, well, the cook and one nice waiter. Oh, alright, we'll have to give you two different stores, unless you want to do it anyway. Unless you feel like you....

JV I can't stop now, ya know. I got all these guys here.

FS Yeah.

JV I tell them, hey, we're gonna go to another place. Let them go in. Do you have anyone you want to keep in here?

FS Yeah, the waiter.

DR Yeah, the waiter is such a nice guy. I feel really shitty about this, like FRED and I were just discussing. Are these your guys?

JV Yeah. JIM, you wanna hold on a second, please?

DR Umm.

JV So what's he got, is the cook in there?

FS Yeah, ya know, you know what's better.

FS We just have certain stores.

DR We're talking to each other.

DR We feel so shitty about this, ya know, and about setting these kids up and you work with them. I think it's better off,

DR I mean, like, er, ya know, again it's the same thing we were discussing that night. You guys gotta do your job and we're not gonna stop you. We want you to do your job.

JV Yeah, right.

DR It's better off if you just go in without even telling them and once you're in the store, you call him up. What he gave you just now is five stores you stay away from and the rest just go in at will.

DR — You'll help us clean it up anyway, cause I walked in there. FRED and I both, but this kid is such a nice kid, uh,...

FS — We felt like we're throwing him to the lions, man. The guy's done us so many favors, man, and here we are to pick this store.

JV — How about, how about the other store over on Seventh Avenue? Do you have one store on this list?

DR — Thirty-second and Seventh?

JV — Yeah, do you have a store on this list that, uh, has a few people in it so we get these guys out of here quick?

DR & FS — No, these are the ones we don't want you to hi

FS — These are the stores we don't want you to hit any other store you can go to. Matter of fact, if you go up to 86th and Lexington, you can give me a ride. Drop me off at 63rd.

JV — We're gonna pull the cook out of here alright?

DR — And what are you gonna do with the Thai waiter?

JV — Don't worry about him. Go in and pull the cook. Just toss the cook. Hey, listen, they're good men. They don't fuck around. Uh, listen..

FS — What's the matter?

JV — I'll get those forms for you next week. I'll meet you Tuesday or Wednesday.

FS — Yeah, definintely.

JV — Alright.

JV Alright

FS Sure, alrighty, and I'll do the married form with my girlfriend, and I got five or six people for the, uh,

JV Alright. You got, I told him I'd give him the forms next week. We drop them off with you or him, it doesn't matter does it? I'll give you a sample. I'll check the boxes that you fill out. I'll leave the other boxes. I'll say, I fill out alright?

DR Uh, you're talking about the green card.

JV Yeah. Yeah.

JV Is uh, we got the system?

DR How are they gonna know this is gonna happen?

JV How are they gonna know? 'Cause you only got six of them.

DR Right.

JV We're gonna get those six together that one night, and give it to them, and they'll give us the money right there.

FS I think the six should see who each other are.

DR: Yeah, Why don't you take them separately?

JV Alright, well, one at a time, or something.

DR Wouldn't it be better for you?

JV Doesn't matter to me how we do it 'cause, uh.

DR And you'll give them a card and they'll give you the.....

JV I need a photo. When I give you the forms you gotta tell them to go to the Five and Ten and get four pictures for half a buck. Tell them to give me at least three of them in case I mess one up or something, or one of the cards gets messed up downstairs. They always want two or three photos, alright?

FS Then they'll give you the money?

JV Give us the money when we give them the form.

DR I don't know anything about this. I don't even know what you're talking about money, shit, FRED you must know what he's talking about.

FS Ha, ha, ha, ha, ha.

JV Hey, listen, that night when we give them the cards and, if you know, say in about three weeks it should happen, the next week I 'll give you the forms. You give them the forms back and just give me a week.

FS You want the forms back with the information, or all the information goes onto the forms?

JV All the information goes on the forms.

FS (1-second Inaudible) Give them the information.

JV Oh, give them the forms. Let them fill out the forms, and fill them out and get them signed. Ya know, whoever's gonna sign 'em for the labor certs, and then we're done. Alright? 'Cause I'm gonna create regular files, then they'll have authentic green cards and in five years they can adjust to USC's.

JM — If they want to.

JV — Yeah, if they want to in five years.

JM — They don't have to.

FS — That's five years they can work.

JV — They can adjust to a United States citizens.

JM — That's about right.

JV — See it's not gonna be, where they just have something for show and tell, if they have to go down there to adjust papers and stuff, there's going to be a file on the shelf, and all, they'll be no problem.

DR or FS — (1-second unintelligible)

JV — That night we give them out, think, uh, we were thinking we'd go out, gonna make some reservations for a show or something after that. It's on me and him. Does that sound fair? You bring your girls, we'll bring our girls. Right after I give them the cards we get the hell out, go to the show, and wine and dine ya's.

JM — You're afraid something gonna burn a hole in your pocket, right?

FS — ha, ha, ha, ha, ha, ha.

JV — Yeah, I can't stand having too much in my pocket.

FS — Right.

JV — You find out.

FS — Why don't you guys hit 86 and Lex after this?

JV — You got people up there?

FS	Should be a dishwasher, and maybe a cashier.
DR	Why don't you give them two a night, FRED?
FS	Yeah, 86 and Lex. I want a ride, get dropped off, right. You guys wanna show something.
JV	Yeah, I'll give ya a r.....
FS	Sixty-third and Third.
JV	We'll give you a ride, alright? Then, uh..
FS	So I can pick up my car.
DR	We want to hit 32nd. Are you gonna be going to 32nd and Seventh yourself?
JM	Only two. We only want to hit two.
JV	Yeah, we'll go there now.
FS	What did you tell them, nine-fifteen?
JV	Oh yeah, 9:15 to take out two.
FS	Thirty-second and Second, and 86th and Lex.
DR	I think he's got illegal papers.
JV	The cook?
DR	Yeah.
DR	Tell them about Romano.
FS	Yeah, okay, go to 32nd and 7th. We have got a cook there. Let me tell you something, this guy he goes to...
JM	Bustin' your balls.
JV	Can I rip him out right now? Send a team out and let them do it.

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FS He says that he has a green card. He might, although I don't even know if they're, they're legal papers.

JM Where does he come from?

FS But ya know even if you can't pull him, I'd - really would appreciate it if you harrassed him a little bit...

JV Oh.

JM Where does he come from, Thailand?

FS Mexico.

JM Mexico.

FS Right. He's such a cocksucker. Tonight, ya know what he did? He pulled a slowdown in the store, cause he wants another cook there next to him.

DR Hey, listen, I think they misunderstood you, they're taking the Thai, but the Thai, the Thai is saying that he works under 20 hours and he does. So he's cool.

JM Information. (1-second unintelligible)

FS The Thai is legal.

JV Who told BRIAN. What's the story on the Thai?

BH Yeah, well he's, uh, in uh, he had permission to work on his I-94 'till May 15, 1975. He got a copy of his I-94. He said he sent it in for an extension.

JV Alright.

BH So it's alright.

JV So you're leaving him?

BH Yeah.

JV Alright, just pull the cook and let's move out. I want you to go thirty.

(2-second interpose)

FS You got worried over nothing, but we didn't...

JV Alright, I want to go to 32nd Street and Seventh Avenue and pull the cook there, claims he's green. They think he's got bad papers, alright?

BF 32nd and Seventh. You want me to wait for these guys?

JV You can, er, head out 'cause I'm going uptown.

BH Okay, I'm gonna need somebody to go with.

JV Yeah, you get a partner and go with him.

DR Don't tell them we told you.

JV No, they don't know. These guys don't know who you are. Don't worry about it.

DR (1-second Inaudible) Just make sure.

JV They don't know who the fuck you are. Don't worry about it. Don't get nervous about it, okay?

FS Tell him to get a little rough with the cook, just so.... ha, ha, ha, ha.

JV You notice, you notice now that we get a little class, we get a little sporty there.

FS Yeah, yeah, right. Ha, ha.

JV I just stand around and throw the orders out.

FS Ha, ha.

JV Alright, so listen, you want how many forms?

FS Yeah, I gotta start give you cigarettes.

JM I got plenty, I'll die soon enough.

JV Next week you want.

DR I backed him enough, please.

JV Six forms, right?

FS (1-second unintelligible)

DR He's taking care of it.

JV Six forms, right?

FS Yeah. I'm taking care of it...

JV Now you guys are gonna get 'em legitly signed and all, right? And you're gonna sign the I-130 for your chick?

FS Right.

JV So you need one I-130 so far. Hey, I'll call you up Tuesday.

DR Tuesday, (1-second unintelligible) What's the difference between that one?

JV An I-130, he's getting married to her. I'm giving...

JM That's quicker.

JV That's quicker.

FS Plus the fact that I'm not divorced yet, I mean, uh, nobody will know that, hah?

JV Am I asking you any questions?

BH Thirty-second and Seventh, right?

JV Yeah, 32nd and Seventh, pull the cook alright MANGO?

FS Listen now, the guy's a ballbuster.

JV Be careful, he's a hump.

DR I think he got a fake card.

(2-second background conversation)

JV Hey, listen, the possibility of his green card being fake is very good. So check it for counterfeit. Count your letters and all, alright? Yeah so, uh, I'll get in.. I'll get in touch. Well, you're gonna take, I'm giving you a ride uptown, right?

FS Right. Sixty-third and Third.

JV Sixty-third and where?

FS Sixty-third and Third.

JV Sixty-third and Third.

FS To pick up my car.

DR Alright. Who's taking this kid out though? You?

JV Hmm, who.

JM What kid?

JV No, there's another car right here. Gonna take him.

JM There's a third car?

JV There's a car here, a car just left to pick one, to pull another guy.

DR Oh, you're in your personal car.

JV Hah?

DR You're in your own car?

JV No, we're in a government, we're in a government car, too. We're all in green and whites, very few, you know, blues or anything else. Alright so you need five labor certs and one

JV I-130. That's, uh, for DENNIS to take care of it. Alright. So now I give you the option. You can pick a place where you'd like to go that evening, and I'll make the reservations. Give me a couple days and I'll make the reservations.

DR Alright, well, er... I'll have to speak to my chick.

JV You know, we'll get wined and dined.

JM We can have a little Dom Perignon.

FS Ha, ha, ha, ha.

JV You've been wanting that for a long time. Yeah, ya know, catch a show or something afterwards, go out for dinner, 'cause I think it's the least we can do.

JM There's a difference between a beer high and a Dom Perignon high.

DR Well, gee, I don't know whether FRED told you, but ya know, it was not our company. There was no way we could do anything.

JM Yeah, yeah, so alright, so no sweat.

JV Hey listen, you're doing, you're doing more than enough now.

DR Yeah, and er, these kids, uh.

JM Like he says this is ten times faster.

DR And better. These are the people that, uh, we want to make happy.

JV So everybody's happy, you're happy, they're happy, we're happy.

JM Let me ask you a question. Does your er, thing have anything to do with, at Coney Island?

JM Where is that, Seventh Avenue?

DR Yeah.

JM You do, yeah?

DR Yeah. Same company. You hit it?

JM We hit it yesterday. We didn't know.

FS And you hit the Circus, right?

JM What Circus?

DR There's a place in Grand Central called The Circus.

JM I don't know if we did.

JV Yeah, yeah, I know.

JM You didn't tell us.

DR And Martinson's Coffee Shop, you hit yesterday, that's ours also.

JM You didn't tell us because I went in there. You should tell us.

DR I didn't. I forgot.

JM We went in yesterday, I went, we just don't go to what you tell us not to go, all the other stuff.

JV DENNIS, I can map out Manhattan There's millions of places in Manhattan. You tell me, and we'll be cool, ya know.

JV There's, there's no problem.

JM You guys got so many places. 'Cause I went in the back, ya know, this guy was changing so a little thing. One of our guys worked the Brew and Burger last week, make sure you, uh, arrange the payroll whatever. I didn't know it was (1 word unintell.)

JM in any way, shape or form, er, just a little Coney Island place. One guy was just, er, and er....

DR Tell me, er.....

JM We didn't know it was er....

DR FRED says that, uh, that there, er, you said you had to hit uh some of the stores, that there were people asking questions.

JV Yeah, well, ya know, my boss is gonna ask, "You were so productive with Brew and Burger."

DR Can't you say that we cleaned it up?

JV So that's what it's gonna look like tonight, only two people.

DR Yeah.

JV We usually come in with ten.

DR It's true, we had to scrape up together everyone, ya know. You can go to every store, ya know what you're gonna get? A dishwasher.

JM That's it.

DR That's it.

FS Alright, well.

DR Ya hear that, that we can't replace with Americans.

FS Ya know what we'll do?

DR No American's gonna wash dishes.

FS It's gotta be a waiter or something.

JM The best way to work it, is we'll go back with all these guys again to another place, and then we'll uh, ya know, we'll all come back and say it was clean. Do one more place after that, then we'll say alright, they wised up,which he tells me it's true anyhow. You got 80 per cent good (1 second unintelligible)

DR Absolutely.. But we felt really shitty, these, er, these stay away from.

JV Good as done.

DR What?

JV It's as good as done.

DR Boy we feel really shitty. As it turns out, this kid's almost legal, the one he just mentioned with the, uh...

JM Yeah, so he's staying, right?

JV Ya see, I got men on the night team here. They're sharp. If they see a document they say, "Well, I don't believe it," ya know. I say, well, listen, take it at your own discretion. If it's looking good, then leave it that way. It's good, don't fool around.

DR Take a walk and see which....

JM All he's got is two.

JV He took two.

DR Which two?

JV I don't know. I'll take a walk and look.

DR Terrific.

DR		Who'd they get? Who'd they get?
BILL		TAMPO.
DR		TAMPO and, uh, BABY?
BILL		No, there's nobody else here.
DR		What about BABY?
BILL		No, who got BABY. (1 second unintelligible)
FS	So,	Did they get two or one?
JV		Ya get two or one BILL? Two?
WG		Two Mexican, EWI.
JV		Oh, two Mex, EWI
		(1-second unintelligible)
JV		Good or bad?
DR		It's alright. I'm just not gonna look at them so they don't know I set them up. (2-second unintelligible)
JV		Disappear down the corner, come on, come on.
DR		It's okay. You should mark this though. Cause you got one from this store and one from this store, so that er....
JV		Oh, one from each store.
DR		Yeah, cause I want you to start showing less in each store.
JV		Yeah, yeah, yeah, alright.
DR		And that's what you did get. You got the dishwasher from that store and the cook.
JV		Connections, I see, the Brewery, right?

FS Right. The same place.

JV Same place, okay. I wish I would have spoke to FRED on the phone before when I couldn't reach him, so you could have told me not to come down here.

DR We... Yeah, right, uh, ..

FS We didn't even realize until you walked up.

JV Hey, BILL, if you want, 86th and Third, you said you could take off.

DR 86th and Lex.

JV Lex, Yea rather, he could take it off. Look in 86 and Lex.

WG 86 and Lex. You should be able to get a couple out of there and we need some bodies, ya know. Not a, hey BILLY, not alone.

WG The other guy, he already went down to, uh, 32.

JV You riding solo?

WG Yeah, 32nd and Sixth.

JV Don't hit nothing.

WG Nothing

JV Nothing, no.

WG You gonna go back to the office.

JV Haha?

WG You gonna go back to the office, you guys?

JV Yeah, call JACK on the radio and tell JACK that I'm taking, uh, FRED STEINBERG uptown to 63rd and Third or something, and after that I'll return to the, er, Bureau.

WG Alright, we're going back to the OS now.

JV	Yeah, you go to the OS. I'm going the other way.
JM	Taking my (2 words unintell.) to RIESE's alright, never mind, right.
JV	You or me? Alright.
FS	(1 second unintell.) Dishwasher there also?
DR	Well no, not tonight (2 second unintelligible)
FS	Nine o'clock (2 second unintelligible)
JV	You want a ride, DENNIS?
DR	No, thank you.
JV	No?
FS	Umm, he lives down here.
JV	Oh, he lives right here. Alright. I got 'em; taking out your dishwasher in the other place then.
FS	Huh?
JV	The cook in 32nd and Seventh is probably in the process of being talked to right now.
JM	So, if he don't have a green card they're taking him, so they'll bust his balls that way. And if it turns out he's got one, maybe they'll just (1-second unintelligible)
FS	I hope so, the guy's such a cocksucker. You have no idea.
JM	Well, can't you just tell 'em, uh,
JV	Where'd ya park?
JM	They're coming here? I parked the next block.

JV I just want to just talk to DENNIS once more. I want to tell him.....

FS He pulled a slowdown tonight, he killed us, he had customers walking out like crazy. He refused to cook more than one order at a time, and if there's a well done on the order, he wouldn't start a rare on the second one 'till he finished the well done on that order.

JM Speak English?

FS Yeah, he told the dishwashers not to understand English when the manager talks to them.

JM Understand it when he says it.

FS Right.

JM You, you can't dump a guy like that?

FS Because of the union.

JM Tough.

JV So listen there. You think of a nice place. Leave it all up to you and, uh, FRED here, alright?

FS Yeah, we'll put our heads together. Ha, ha, ha.

JM You must know a nice spot

JV I mean a nice ritzy joint, no dump. A place where we can sit. I'll even wear a full suit for that.

FS Yeah, right.

JM With a tie, maybe, hah?

DR didn't want to talk in front of those guys.

JV Yeah, I heard Alright, you don't need a ride and you're going to 63rd and Third?

FS I gotta get my car.

DR Yeah, you know you'd better get to a phone quick, 'cause they're going to 86th Street right now. 86th, also besides (2-second unintelligible)

JM Yeah, we're all set to go up there.

FS Right, uh, oh.

JM Alright, go ahead, make your call.

DR Uh, ya know, the other thing I was talking to JOEL about. If we can tell them to go, I know we've discussed about want to get involved guiltwise, to go to stores where they only get one person and some, er, of their agents will testify that they only got one man.

JM Yeah, we'll take all the guys we did today... We'll go into the place, it'll be clean.

DR Then, then they could show they're going clean.

JM They straightened out.

DR And then they won't be responsible to come to Brew Burgers any more.

JM Alright.

FS Well, I'll tell you when we were thinking leaving here, a lot of people we couldn't come up with a store any more that has one or two people because after that blitz, you.....

JM And you know....

FS After that blitz, you gave 'em and you know what else, we were saying to ourselves, no, no, maybe they'll get pissed off 'cause we're only giving them one person.

JM Because I'll tell you how they work it.

DR So now it's the opposite.

JV Why should we get pissed off when you're giving us the business the other way, right, with the cards.

JM No, but to cover ourselves.

JV But I'm saying they're coming up with it, I mean...

DR We're not giving you busines...

JV We couldn't walk in and start doing that, you know.

DR We're just sending you some people that we know who need some help.

JV Good enough. It's fine, fine with me. I mean, it'll take like I told FRED.....

DR I'd like to get up to the point where we can just do this, forget the Brew Burgers.

JM Be done with everything?

DR Yeah.

JM Well, it works like this. Look, they come here, they get two, next week one, then week after, two then.

DR Then you write this up as one in each store?

JV Yeah, remember one out of the Brew and Burger, one out of the Brewery.

DR That's the Brewery, and that's the Brew and Burger. We'll write this up as one in each store. Because it was TAMPO (PHONETIC) works in the Brewery.

JV Okay.

FS So you keep showing one or none.

JM Fred, you want to go uptown?

FS Yeah.

DR Can we send you some stores where there are none?

JV Sure.

JM Yeah. As long as we bring everybody else lef It's alright.

DR No, I mean so that you would go in like it's all right.

JM I would talk to everybody and we would just come out with no one. Sure, we could do it.

FS Alright, so let's keep in touch then.

JM Take care.

JV Alright, you keep in touch with FRED.

DR Alright, sure.

FS Alright.

JV So uh, well, I'll talk to you in the car going up. Alright, DENNIS, be good, eh?

DR Okay, JOHN, JOEL.

JV Where's the car, JOEL?

JM Right down the corner.

JM Forgot to turn the radio on.

JV Go ahead, do it.

WG They want the exact address to where you are going.

JV What do they want?

WG The exact address of where you are going.

JV Sixty Third Street and Third Avenue just to drop FRED STEINBERG off.

WG Sixty-three and three to drop him off and then your going back to the Bureau.

JV Yeah, and then I'm going back to the Bureau.

WG And you don't want the hit?

JV I don't want you, don't worry. You got three places. You're pulling the cook out of another place and if you get another man, go up to 86th and Third. 86th and Lex, if you want, for bodies. Gee, ya think it was a crime when I said to DENNIS, pick a nice place to go to so we, uh, afterwards we can go out and have a nice wining and dining evening.

FS Uh, we know a couple of places that have excellent, excellent food.

JV That's the kind of place I want to go to.

FS I'll be glad when my girlfriend has her green card.

JV — Three weeks' time, three to four weeks.

FS — Alright, I'm all covered already. I brought in two extra cooks, an extra supervisor, three extra servers. I didn't know what the fuck was gonna happen. I already got a, er.....

JV — Really, huh.

FS — 8:15 on his way down to uh, 32nd and Seventh?

(15 second PAUSE)

JV — Alright, so 63rd and Third.

FS — Right. I'll pick up my car and get some news.

JV — What's on 63rd and Third?

FS — A parking lot.

JV — Oh, a parking lot. Take it MOSK.

JM — That what? Right, you got it soon as these people get out of my way.

JV — Very good. So, next week, I'll talk to ya Tuesday or Wednesday. I'll give you a call depending on how my schedule is busy.

FS — Good.

JV — 'Cause I have the next four days off, so it's like a swing holiday for me.

FS — Yeah, I'm off, uh, Sunday and Monday together. First time in a long time. You wouldn't believe what I'm gonna do Monday.

JV — Work.

FS Nope, I'm going on a picnic.

JM Oh, that's nice.

JV What's wrong with that?

FS I haven't done that in about, ha, ha, ha, ha, I guess five years already. I never had two days off in a rowsince I've been with the company.

JV Really?

FS Uh huh, except my vacation.

JM What do you get, two or three weeks?

FS Two weeks the first year. And this year I get another two weeks a year but that was no vacation, man. I blew 1500 bucks in Puerto Rico.

JV (Whistles)

JM You like it down there?

FS I loved it.

JM When I went down there, I didn't like it.

FS Well, do you like to gamble?

JM Yeah, that's what I liked about it.

FS Yeah, right, me too.

JM It's the only thing.

FS Yeah, well, you know, I was in the casino between eight at night and four in the morning. I didn't sleep.

JM Yeah, till they closed, yeah.

FS It's unbelievable.

JV Yeah, ha, ha, ha, ha.

JM I never went out of the hotel, out of the El San Juan, never left it.

FS Yeah, me too. Never left the Hotel El San Juan. On the beach, by the pool all day and the casino opens at 8 o'clock. I always was in there. Ha, ha.

JV It's good way to do it.

JM That's why Las Vegas gotta be better. All night long, all day long, any time.

FS No, ha, ha, ha, you know.

JM Ya don't have to do it between eight and four. Ya get eight hours in, in the daytime, and go carousing at night if you want.

JV Yeah, this guy said you were cooking before.

FS Yeah, I was. Because DENNIS took the guy in the back room, to start yelling and screaming at him, so I had to cook the guy caused us a lot of money today.

JM There's no way you can get rid of him, huh?

FS No, because he became a political, uh, pawn between the union and the company.

JV Oh.

FS He's not like one of these guys you can just dump and uh, ya know.

JM So you dump him and the union wants to strike, right?

FS Right, the union doesn't wanna, ya know, wouldn't wanna cover him up because he became a political uh, pawn.

JV Where can we get these six people ya know, so we can get rid of everything in one night, just give them their cards, ya know, one, two, three, wham, bam. Get it done with, ya know, pick up the money and then just, we'll just, we'll just all leave nonchalantly, get in the car and drive away, go and eat, the theater, or whatever, alright?

FS Yeah .

JV Ya gotta justget a neutral spot which is no problem really.

FS Yeah, er, there must be some neutral spot around.

JV Maybe, oh wow, or maybe Central Park having them sitting on a bench in different spots in the park, ya know. You and I can go out one day.

JM You want to get mugged, ha, ha, ha..

JV Yeah, we're gonna do, what do you think? I'm gonna stop and have conversation with these people? Here, here's the thou, thank you, goodbye, good luck. Everything's taken care of.

FS Yeah, I got six names so maybe we can work out a deal for my girl-friend 'cause whatever it is I gotta pay it.

JV Alright, so you get it gratis.

JM That's all.

JV How does that sound?

FS Really great, because I couldn't afford a thousand at this point.

JM You can't do anything better than that?

JV No. I'll give you the forms and uh, then you give it to them, and fill out, you help 'em fill out or whatever you want. Ya know, most of them are students I gather. Alright, so they should, they should be intelligent enough to know how to fill it out, and if I leave you a list and say, box number 25, box number 18, don't touch, I'll touch.

FS Yeah, do that, do that so I'll know what not to touch.

JV Ya know, like on the labor certs for the five guys, the company's gonna sponsor them, right? I'm not getting no flack from your end on that.

FS No, I'm sponsoring them, I'm the sponsor.

JV Yeah, well you said you and RIESE are gonna sponsor them, right?

FS yeah, well me and somebody else.

JV So, as long as somebody signs those things because I can't put blank forms in the file.

FS Yeah, I know.

JV So, as long as they're signed and somebody opens, oh, this is legal, it's signed, no sweat, alright.

JM It's to your benefit too, that you don't sign all of them.

JV Oh, no.

JM Besides putting in an I-130.

JV I can't get five, five off of one guy signing them, right off, ya know. Because they, ya know, they go onto

JV a different floor. They're gonna be reviewed. I'm gonna put a rush on 'em, and get 'em back.

FS Well, I'll just take care of it and I'll say DENNIS, he doesn't wanna get involved with anything not legal. So, I'll say you just sign, these people came to you looking for a green card and you just fill out the labor certification.

JM Yeah, that's all.

FS You have nothing to do with the rest of that.

JV Well, ya know, the employer does have one form to fill out for the Labor Department that I gave ya's. Alright, and then you, you've gotta sponsor them. But, like if they call up the company, and say who is FRED STEINBERG? Does he have authorization to sign this thing or is his title such-and-such as he stated on this form?

JM Sure he is.

JV That's all we want is to make sure it is, ya know, 'cause I don't care who signs 'em ya know, if you can't have five people signing. Ya know, one guy signing for five. Because then they're gonna look at it down-stairs. If they see you're in charge of ten stores and you sign for two. RIESE is in charge of fifteen stores and he signs for three cooks or three waiters or something.

JM This place right over here, right?

FS Yeah, right over here. No, it's not that parking lot. Around the corner right in the middle of the block. Okay.

JV	Oh, I gotta let you out. The doors don't open.
JM	These, er, don't open from the inside?
FS	Ha, ha.
JM	Take care, FRED.
FS	JOHN, take care.
JV	Okay, listen, I'll talk to you Tuesday or Wednesday.
FS	Right.
JV	I'll try and catch you at home.
FS	Yeah.
JV	It's better at home.
FS	Anytime after twelve at night.
JV	Okay.
JM	I'll get in touch with COFFEY (PHONETIC) Supposed to meet back at the Bureau.
JV	Yeah, oh it's just up the block. Drive there. (Whistles) (Minute Background Noise) 402414.
RADIO	Please stay off the airwave please.
	(One Minute Background Noise)
JV	It's all finished. You can go upstairs.
UM	I thought you were gonna go out for, uh, dinner with, with them.
JV	No, not tonight, this is a, er....
UM	Oh, okay, no sweat. Let's go upstairs.
JV	Yeah, yeah.
JV	Thaks a lot, I appreciate it.

JV Did you hear?

JM Huh?

JV Did you hear?

JM No.

JV I want to get off the corner, come on.

(2½ Mirute Background Noise Till End of Tape.)

END

GX-39

THE RIESE ORGANIZATION

5/7/75

Mr. Dolan,

Following is a list of unhappy managers, with some added comments on each:

1) Richard Davis - 86th & 3rd - earns $200; last raise 9-11 months ago; definitely deserves raise to 235-240. He's been asking since mid-Winter.

2) Doug Smith - 393 5th - earning $200; deserves 225-235. Doug personally good fit, type very hard.

3) Lionel Pittman - St Remi - earning $225+35. Very unhappy at St Remi. Complains about having store at late hours, also about no help in managing the place, says he can't find the time to be overseeing things at the store, and has up doing it at closing time. His feeling for more money, deserves more (about $240-50). Rio won't care her unhappiness about the store, but I'm sure it will subtract a somewhat.

4) Marvin Lehi - 36th & 3rd - Hired at $200. Doing good job at this store. Deserves raise to $225.

THE RIESE ORGANIZATION

Lucy Carillo - 19¢ Salary - He earned not to be much better than I thought it was. His earning $275. max. I don't know what his last raise was, but I don't think he received one since he joined the Brewburgers. If he hasn't, he deserves a merit increase.

Francis Vadnik - 810 7th - Hired at 291 Madison at $210. Has never received a raise since, either this or at 36 (34th. Now, definitely should get $240-250 for the job at 810.

Joe Kinchen - 66 & 5th - He deserves a raise the least of all. Hired at $230, looking for more. If he doesn't get it, he will definitely quit or especially get fired. His assistant is a handle-bartender, which has more account. He has the ability, if channelled properly.

Joseph Aguilar - 746 Lex - He deserves a raise the most of all. Been ~~in~~ working since mid-winter; earns $225. Doing an excellent job, a real company man. Deserves to get a $55 raise + check as a raise. I have no doubts

THE RIESE ORGANIZATION

last thing.

Bill Ball - 570. - Pennies last year, since last year. Earned $235+75. Should get raise to $2.35 + .50.

This completes the list. I have some additional things to say:

I've discontinued breakfast at St Regis. Last week, Ronnie Dunkley called me and told me that we were getting cash at the building. I inquired since I needed a key and on since if so, I would merely be keeping an extra cash and try and sell some more breakfast. If we're not using cash, I would like somebody to tell me, in which case I will let the people go.

In that same store, if we continue to have the sales at the Palm Court going, possibly next, I will need an assistant mgr. at night. I cannot possibly run that store and Grill open in at 10:30 P.M. It is true that this person would be Wed, Thurs & Friday nights to cover them until at least 12:30. On Friday nights, he does his food & weekly liquor inventories. He doesn't leave until 2:00 or 2:30 sometimes, and then he has to open the Commodore next morning at 7:00 AM

THE RIESE ORGANIZATION

Will you please help me with the problem.

2) We receive very few waiters and waitresses from Eric's ads in the Crowing Cock. I would like your permission to run ads every week for one month in Esther's office, until we can staff our stores properly. I expect the Brewburgers to be hit very hard by immigration checks beginning Tuesday May 15. On that date, Pat Shanley and I will meet for a second time, and we will be given a certain deal that they want to make. I know they will be very fair and we will be able to open all.

3) I have booked many parties in the Commodore. Last Saturday there were one. I told John Reese that a minimum bill of $1,000 would be fine. Naturally there was not. I know, because I had a feeling no one would be, and I didn't want to penalize our parties. Will you please tell Mr. Reese to be there on these Saturday parties.

THE RIESE ORGANIZATION

I would also like to say that I was not having problems with Joy in the Connecticut Ave. Lot that store, and I think it was wrong for that store to be "thrown in" with 4th St. Our writing is a formal request to you that I be allowed to continue my supervision of that store as I deem. & that Mr. Pierre will have sufficient travelling across town often enough to properly supervise that store, and I would like another chance to prove that I can run a tight store in peace and with harmony.

& in that connect. I think Ed Feldgeimer would make an excellent night supervisor for the Pennsylvania St. is shop tough, a real company man.

Sincerely

Jennie Riese

OPTIONAL FORM NO. 10
JULY 1973 EDITION
GSA FPMR (41 CFR) 101-11.6

UNITED STATES GOVERNMENT

Memorandum

TO : Assistant District Director for Investigations
New York, New York

DATE: NYC 50/13.1
April 9, 1975
Received 5/1/75 HEW

FROM : John Volpe, Investigator
New York, New York

SUBJECT: Attenpting to Gain Immigration Benefits by Offering a Bribe to a Service Officer

On March 31, 1975 at 10:00 A.M. an investigation was conducted on information at Brew and Burger Restaurant, 34th Street and Broadway, by the undersigned and three additional Coastal and Area Control Investigators. Seven illegal aliens employed on the premises were apprehended. While preparing to return to 20 West Broadway, the undersigned was approached by a United States Citizen, who stated that he was the night supervisor of all New York City Brew and Burger. He was a young fellow and gave his name only as Fred. Fred appeared very upset about the number of employees being removed and requested that we take only one or two instead of seven. Fred also suggested that he could work something out if the undersigned would be willing to call him prior to any Brew and Burger investigation and advise him as to which location would be investigated. That way, he could have American help shifted to the location under investigation. In addition he would advise the aliens who know themselves to be illegal in the United States to run. He added that our investigations are hurting their production.

Fred also stated that his company "had the Lindsay Administration bought" and that "the police are paid not to ticket his car when parked by any Brew and Burger as long as there is a sign in the window stating that the vehicle belong to the night supervisor of Brew and Burger".

John Volpe

5310-110

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

NY-58-1976

GMS/gms

On May 2, 1975, Assistant United States Attorney (AUSA) Joseph Jaffe, Southern District of New York (SDNY), was advised of the facts of this case. AUSA Jaffe stated that if a meet could be set up between VOLPE and Steinberg and their recorded conversation would corroborate an actual bribe, he would consider prosecution under Title 18, United States Code (USC), Section 201.

Defendant Steinberg's Judgment 398a

IASON, A.U.S.A.

United States of America vs. United States District Court for

DEFENDANT: FRED STEINBERG — SOUTHERN DISTRICT OF NEW YORK

DOCKET NO. > 76 Cr. 128 I.B.W.

JUDGMENT AND PROBATION/COMMITMENT ORDER

COUNSEL

In the presence of the attorney for the government the defendant appeared in person on this date → MONTH: MAY DAY: 21 YEAR: 1976

[ ] WITHOUT COUNSEL However the court advised defendant of right to counsel and asked whether defendant desired to have counsel appointed by the court and the defendant thereupon waived assistance of counsel.

[X] WITH COUNSEL JOYCE BARLOW, ESQ. (Name of counsel)

PLEA

[ ] GUILTY, and the court being satisfied that there is a factual basis for the plea, [ ] NOLO CONTENDERE, [X] NOT GUILTY

FINDING & JUDGMENT

There being a ~~finding~~/verdict of [ ] NOT GUILTY. Defendant is discharged [X] GUILTY.

Defendant has been convicted as charged of the offense(s) of unlawfully, wilfully and knowingly, directly and indirectly, did corruptly offer things of value, and procure others to give and offer things of value, to wit, money, to public officials of the Immigration and Naturalization Service, United States Department of Justice. And conspiracy so to do.

(Title 18, U.S.Code, Sections 371, 201 (b) 201 (b) and 2.)

SENTENCE AND PROBATION ORDER

The court asked whether defendant had anything to say why judgment should not be pronounced. Because no sufficient cause to the contrary was shown, or appeared to the court, the court adjudged the defendant guilty as charged and convicted and ordered that: The defendant is hereby committed to the custody of the Attorney General or his authorized representative for imprisonment for a period of

(The Court finds that the defendant had not attained his 26 th birthday at the time of conviction and is suitable for handling under the Federal Youth Corrections Act. Title 18, U.S.Code, Section 5005 and following Sections and does not wish commitment
The defendant is sentenced as a Young Adult Offender pursuant to 5010 (a) of Title 18, U.S.Code, as extended by 4209 of Title 18, U.S.Code.)
Imposition of sentence is suspended on each of counts 1 thru 7.
The defendant is placed on probation for a period THREE (3) YEARS, subject to the standing probation order of this Court.

SPECIAL CONDITIONS OF PROBATION

ADDITIONAL CONDITIONS OF PROBATION

In addition to the special conditions of probation imposed above, it is hereby ordered that the general conditions of probation set out on the reverse side of this judgment be imposed. The Court may change the conditions of probation, reduce or extend the period of probation, and at any time during the probation period or within a maximum probation period of five years permitted by law, may issue a warrant and revoke probation for a violation occurring during the probation period.

COMMITMENT RECOMMENDATION

The court orders commitment to the custody of the Attorney General [illegible]

Signed by:

[ ] U.S. District Judge

[ ] U.S. Magistrate

Inzer B. Wyatt

INZER B. WYATT, D.J.

Date MAY 21, 1976

21

S.D. of N.Y.

IASON,A.U.S.A.

United States of America vs.

United States District Court for

DEFENDANT: DENNIS RIESE

SOUTHERN DISTRICT OF NEW YORK

DOCKET NO. 76 Cr. 128 I.B.W.

JUDGMENT AND PROBATION/COMMITMENT ORDER

COUNSEL

In the presence of the attorney for the government the defendant appeared in person on this date — MONTH: MAY DAY: 21 YEAR: 1976

[ ] WITHOUT COUNSEL However the court advised defendant of right to counsel and asked whether defendant desired to have counsel appointed by the court and the defendant thereupon waived assistance of counsel.

[X] WITH COUNSEL MILTON S. GOULD, ESQ. (Name of counsel)

PLEA

[ ] GUILTY, and the court being satisfied that there is a factual basis for the plea, [ ] NOLO CONTENDERE, [X] NOT GUILTY

FINDING & JUDGMENT

There being a finding/verdict of [ ] NOT GUILTY. Defendant is discharged [X] GUILTY.

Defendant has been convicted as charged of the offense(s) of unlawfully, wilfully and knowingly, directly and indirectly, did corruptly offer things of value,and procure others to give and offer things of value, to wit, money, to public officials of the Immigration and Naturalization Service, United States Department of JUstice. And conspiracy so to do.

(Title 18, U.S.Code, Sections 371, 201(b) 201(b) and § 2.)

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The defendant is sentenced as a Young Adult Offender pursuant to 5010(a) of Title 18, U.S.Code,as extended by 4209 of Title 18, U.S.Code.)
Imposition of sentence is suspended on each of counts 1 thru 7.
The defendant is placed on probation for a period of THREE(3)YEARS, subject to the standing probation order of this Court.

SPECIAL CONDITIONS OF PROBATION

ADDITIONAL CONDITIONS OF PROBATION

In addition to the special conditions of probation imposed above, it is hereby ordered that the general conditions of probation set out on the reverse side of this judgment be imposed. The Court may change the conditions of probation, reduce or extend the period of probation, and at any time during the probation period or within a maximum probation period of five years permitted by law, may issue a warrant and revoke probation for a violation occurring during the probation period.

COMMITMENT RECOMMENDATION

The court orders commitment to the custody of the Attorney General and recommends,

It is ordered that the Clerk deliver a certified copy of this judgement and commitment to the U.S. Marshal or other qualified officer.

U.S. DISTRICT COURT 21 S.D. OF N.Y.

SIGNED BY

[X] U.S. District Judge

[ ] U.S. Magistrate

INZER B. WYATT,D.J.

Date MAY 21, 1976

UNITED STATES OF AMERICA,

-against-

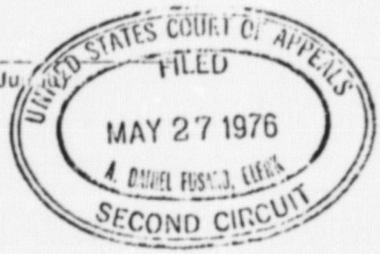
[illegible] SUTTMEIER and DUNITZ

Defendants.

Docket Number [illegible]

Tenney D. Wyatt

(District Court Judge)



NOTICE OF APPEAL

Notice is hereby given that DUNITZ ET AL appeals to the United States Court of Appeals for the Second Circuit from the ☒ Judgment ☐ order ☐ other (specify) _____ entered in this action on May 21, 1976 (Date).

[illegible] SOUTHERN DISTRICT COURT

By _____ (Counsel for Appellant)

Address [illegible]
[illegible]

Date May 24, 1976

To: Clerk of the Court
United States District Court
Southern District of New York

ROBERT B. FISKE JR.
U.S.Attorney,SD.Dist.of NY Phone Number [illegible]
U.S.Court Hse., 1 St.Andrews Plaza,NY NY [illegible]

ADD ADDITIONAL PAGE IF NECESSARY

(TO BE COMPLETED BY ATTORNEY) TRANSCRIPT INFORMATION – FORM B

▷ QUESTIONNAIRE	▷ TRANSCRIPT ORDER ▷ DESCRIPTION OF PROCEEDINGS FOR WHICH TRANSCRIPT IS REQUIRED (INCLUDE DATE).
☐ I am ordering a transcript ☐ I am not ordering a transcript Reason: ☐ Daily copy is available ☐ U.S. Attorney has placed order ☐ Other. Attach explanation	Prepare transcript of ☐ Pre-trial proceedings ☐ Trial ☐ Sentence ☐ Post-trial proceedings

ATTORNEY certifies that he will make satisfactory arrangements with the court reporter for payment of the cost of transcript. (FRAP 10(b)) ▷ Method of payment ☐ Funds ☐ CJA Form 21

ATTORNEY'S signature | DATE

COURT REPORTER ACKNOWLEDGEMENT

To be completed by Court Reporter and forwarded to Court of Appeals.

order received	Estimated completion date	Estimated number of pages.

Date _____ Signature _____ (Court Reporter)

COPY FOR UNITED STATES COURT OF APPEALS

BEST COPY AVAILABLE

Service of ~~three (3)~~ one copies of the

within Appendix

is hereby received this 15 day of Sept 1976

by L. Sandigan

Attorneys for Def-App

Service of ~~three (3)~~ one copies of the

within Appendix

is hereby received this 15 day of Sept 197

by

Attorneys for

RECEIVED
ROBERT B. FISKE JR.
SEP 15 1976
U.S. ATTORNEY
SO. DIST. OF N.Y.